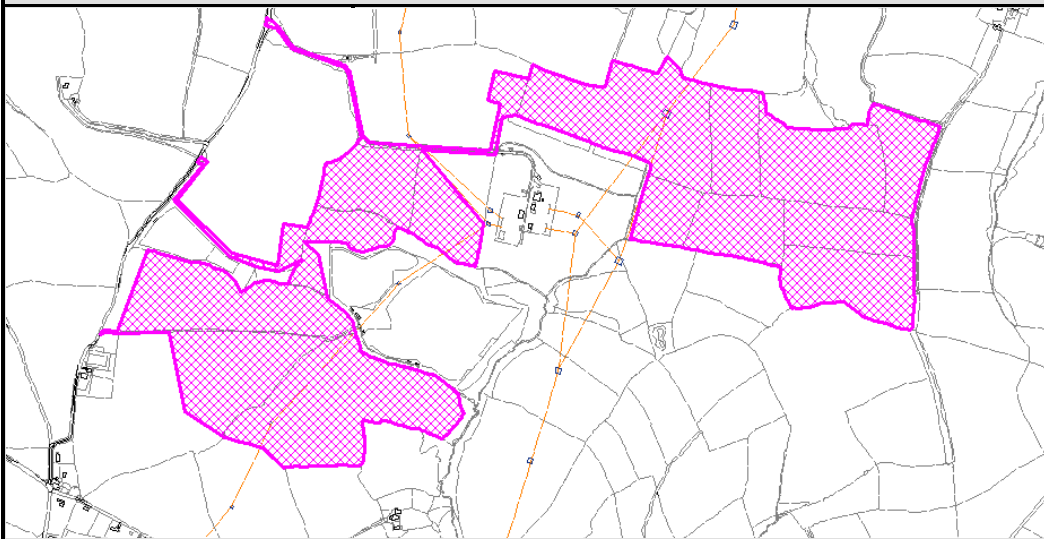


## Committee Report – 14th April 2022

<b>Application Number:</b>	1/1057/2021/FULM
<b>Registration date:</b>	1 September 2021
<b>Expiry date:</b>	1 December 2021
<b>Applicant:</b>	Lightsource SPV 175 Limited
<b>Agent:</b>	Pegasus Group
<b>Case Officer:</b>	Kristian Evely
<b>Site Address:</b>	Land At Webbery Barton And Cleave Farm, Bideford, Devon,
<b>Proposal:</b>	Installation and operation of a solar farm together with all associated works, equipment and infrastructure (Further Information)
<b>Recommendation:</b>	Grant



### Reason for referral:

This application was called in by Councillor Lock for members to consider:

- Overlooking
- Noise
- Traffic
- Privacy
- Environment
- Footpaths
- Intrusion into the Haddacott County Wildlife Site.

### Relevant History:

Application No.	Description	Status	Closed
1/0997/2012/FULM	Construction of photovoltaic (PV) solar array and associated works	PER	18.02.2013
1/0279/2019/SCR	Installation of a solar photovoltaic (PV) farm with ancillary infrastructure	SCRP	10.05.2019

### Site Description & Proposal

#### Site Description:

The application site is located approximately 2.5km southeast of the settlement boundary of Bideford and less than 1km from the village of Alverdiscott to the east. The application site is divided into three parcels of land extending to some 63.2 hectares and is currently predominantly in used for agricultural purposes. The existing site includes hedgerows around the existing agricultural fields with small areas of woodland, particularly in the central section of the site. The external field boundaries are defined by mature trees/hedgerows, vegetation and pockets of woodland.

There are no public highways or public rights of way that extend through the site. Access to the site is by an unnamed road to the west of the Application Site that runs between Gammaton Moor in the south and Webbery Barton in the north.

There is an existing Alverdiscott electricity sub-station central to the parcels of land, with power lines and pylons extending across the site. There is an existing solar farm at Cleave Farm that lies adjacent to the Application Site boundary.

There is an unnamed stream that runs along the northern boundary of the western section of the site, the southern boundary of the central parcel of the site and the southern boundary of the eastern section of the site. The site lies wholly within Flood Zone 1 defined as land with the lowest risk of flooding, having a less than 1 in 1000 annual probability of river flooding.

#### Proposed Development:

This application seeks the installation of a photovoltaic (PV) solar farm (up to 49.9MW) together with ancillary infrastructure and associated works.

The proposed development seeks the addition of solar PV cells arranged in lines across the existing fields orientated to the south mounted on a simple metal framework to a maximum height of 3 metres. Rows will be spaced with a minimum of 2.5 metres between panels. In addition, the associated infrastructure would include the following:

- 7 Switchgear Substations spaced around the site adjoining the internal access roads, typically 7.7m \* 2.6m and 3.3m high;
- 14 Inverters adjacent to the Switchgear Substations around the site. The inverters are approximately 8.2m long and 2.3m wide; the small open-air transformers are surrounded by a fence enclosing an area of approximately 10m<sup>2</sup>;
- 14 Transformers adjacent to the switchgear substations and Inverters around the site. The transformers are approximately 5.4m long and 4.4m wide with a height of approximately 3.2m;
- A 132kV Substation
- A Customer Substation located to the south-east of the DNO Substation;
- An Auxiliary Transformer, located to the south-east of the DNO Substation;
- A Storage Container located to the south-east of the DNO Substation;
- A Monitoring and Communications Building, together with associated weather station and communications equipment required to enable remote monitoring of the site. This building is typically 3.8m \* 3.2m and 3.3m high;
- A composting toilet
- Security fencing around the site perimeter is to form secure 'deer style' fencing with timber and posts of approximately 2 metres in height. Gates are included in the fencing for access to the site and to the field margins for maintenance access within each field;
- Internal access track within the site;
- Infilling and reinforcing existing vegetation with appropriate native tree, hedgerow or shrub planting to enhance visual screening;
- CCTV and site security systems installed on poles 2.5m in height; and
- Associated works required in ground preparation and the construction of building foundations.

#### **Consultee representations:**

##### **Alverdiscott Parish/Town Council:**

No comments received

##### **Huntshaw Parish Council:**

No comments received

##### **Weare Giffard Parish Council:**

No comments received

##### **Yarnscombe Parish:**

No comments received

##### **Bideford Town Council:**

18.02.2022

RESOLVED: That the application is approved.

07.10.2021

RESOLVED: That the application is approved.

**DCC Archaeology Section:**

01.03.2022

I refer to the above application and your recent re-consultation. A programme of archaeological work has been undertaken within the proposed development site. These investigations did not reveal any heritage assets of such significance that any further archaeological mitigation is required on site. A report setting out the results of the field evaluation undertaken has been submitted to the Historic Environment Team and two samples are being processed for radiocarbon dating.

Upon the receipt of these radiocarbon dates the evaluation report will be updated. I have been assured that funds are resources are in place to complete these outstanding tasks and, as such, the Historic Environment Team has no comments to make on this planning application.

21.10.2021

My ref: ARCH/DM/TO/36956a

I refer to the above application and your recent consultation. A programme of archaeological investigation, consisting of a geophysical survey and intrusive field evaluation, has been undertaken within the proposed solar farm site. While the Historic Environment Team are still awaiting the submission of the final report on the results of these investigations we have received an interim summary of the results of this fieldwork.

In the light of the results of the archaeological field evaluation, the Historic Environment Team do not consider that the scale and situation of this development will have an impact upon any significant heritage assets, and, as such, no further archaeological mitigation is required.

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

**Devon County Council - Flood Risk Management:**

02.12.2021

I have reviewed the additional information on the planning portal for this application and can advise we have no further comment to make and would refer to the comments made in our formal response dated 15th October 2021.

**Devon County Council (Highways):**

19.11.2021

I've looked through the re-consultation documents and I do not believe that I need to comment further.

**Historic England - Southwest Casework:**

14.02.2022

Thank you for your letter of 9 February 2022 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

03.12.2021

Thank you for your letter of 15 November 2021 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

**Designing Out Crime Officer - DC&D Police:**

10.02.2022

Thank you for this application, I have no further comments from a designing out crime and ASB reduction perspective to those previously submitted.

16.11.2021

Re Land At Webbery Barton And Cleave Farm, Bideford, Devon - 16th November 2021.

Thank you for this application, I have no additional comments from a crime and ASB reduction perspective to those previously submitted.

05.10.2021

Thank you for this application, I have no objections in principle to the proposal.

Solar farms are, by their very nature and location, potentially vulnerable to criminal attack and so any appropriate means of preventing/deterring this is in principle supported.

I note that deer style fencing is proposed for perimeter demarcation. I can find no details of proposed fencing and gates for the compounds and facilities buildings. It is recommended that 2.4 weldmesh fencing and gates, to an appropriate standard such as LPS 1175 issue 8, be installed for compounds and substations.

I would advise that the perimeter and internal fences incorporate a PID system. PID is a Perimeter Intrusion Detection System, it is series of fence mounted sensors, that monitors and detects any form of intrusion from the perimeter and then can provide a real time alert of this.

Where appropriate and feasible, buildings should be protected by an intruder alarm, this is recommended to be monitored and compliant with current National Police Chiefs Council guidance. The buildings should also have robust external doors/windows. These are advised to meet an appropriate security standard such as LPS 1175 or equivalent.

The CCTV is noted and supported. It is recommended the system have real time detection monitoring and response rather than a system which only records. Cameras, wiring and recording or monitoring equipment should be secured. CCTV should be designed in co-ordination with external lighting and landscaping. A passport for compliance document, previously known as an Operational Requirement (OR), should be drawn up prior to installation to ensure any system will be fit for purpose.

Consideration should also be given to incorporating a movement activated audio challenge system as part of the overall security strategy?

I would suggest that the above brief guidance should also be applied to any compounds during the construction phase of any approved project

**Devon County Council - Flood Risk Management:**

25.02.2022

We have reviewed the additional information and have no further comment to add since our letter dated 15th October 2021.

18.10.2021

Recommendation:

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

Observations:

The applicant is proposing a series of swales to attenuate the runoff from the proposed solar farm in line with best practice which will provide a betterment compared with the existing scenario. The applicant has stated that the swales will be maintained by the site owner/tenant. We would encourage a buffer zone either side of any field ditches so there is access for maintenance. We would recommend that any existing field ditches and ordinary watercourses within the red line boundary are also maintained by the site owner.

**Devon County Council (Highways):**

19.11.2021

I've looked through the re-consultation documents and I do not believe that I need to comment further.

19.10.2021

Observations:

I have no issue with the access points proposed by the applicant. The proposed route has previously been used for similar developments and, as has been noted in the applicant's submitted information, there is no evidence that this has resulted in severe issues.

As a result, subject to the below condition, I raise no highway issues.

Recommendation (no objections subject to condition):

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with

confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

REASON: To ensure safe and suitable access for all road users.

**Natural England:**

28.02.2022

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 8 October 2021.

The advice provided in our previous response applies equally to this resubmission although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**Natural England:**

30.11.2021

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 8th October 2021 (our ref: 369579).

The advice provided in our previous response applies equally to this resubmission although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

08.10.2021

SUMMARY OF NATURAL ENGLAND'S ADVICE

Designated sites

Based on the plans submitted, Natural England considers that the proposed development will not affect any designated sites.

Protected Landscapes

Your decision should be based on national landscape policy and landscape policies set out in your Local Plan.

Natural England's detailed advice on this and other natural environment issues is set out below.

Climate Change

Natural England recognises that climate change represents the most serious long term threat to the natural environment because of the damage it will cause to ecosystems, the biodiversity, landscape value, and services to society which they support. Solar energy developments have an important role to play in meeting national targets to reduce UK contributions to greenhouse gases. The present challenge is to move to a low carbon economy without unacceptable impacts on the natural environment (NPPF para 155).

#### Designated sites

The development site is within 5km of the Taw Torridge Estuary Site of Special Scientific Interest (SSSI) which is notified for its intertidal habitats and overwintering bird interest. Further information on the SSSI and its special interest features can be found at [www.magic.gov.uk](http://www.magic.gov.uk) The composition of the SSSI bird assemblage alters through time as species populations fluctuate, therefore any native wetland bird species (in practice waders and wildfowl) will be a legitimate part of the bird assemblage.

The proposal triggers Natural England's Impact Risk Zone (IRZ) for the Taw Torridge Estuary SSSI for 'solar schemes with a footprint greater than 0.5ha'.

Birds associated with the estuary make use of agricultural land around and away from the estuary at times of high tides and may be displaced by development such as solar farms which can result in the loss of available roosting and feeding habitat.

It is our advice, based on the material supplied with the consultation that, in so far as statutory designated sites are concerned, there are no significant impacts identified and Natural England therefore does not object.

Further consideration could be given to mitigating the impacts on common snipe across the site.

#### Protected Landscapes

The proposed development is for a site within 7.5km of the North Devon Area of Outstanding Natural Beauty (AONB), a nationally designated landscape, and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha.

Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and

National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

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

We also advise that you consult the AONB Partnership and give weight to any advice they provide. 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.

You may also find useful the Torridge District Council guidance document 'An Assessment of the Landscape Sensitivity to Onshore Wind Energy & Field-Scale Photovoltaic Development in Torridge

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

#### Biodiversity net gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174, 179 and 180 of the NPPF, the Defra 25 year Environment Plan and the Environment Bill. Policy ST14 of the Joint Torridge and North Devon Local Plan also expects all development to provide a net gain in biodiversity.

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

Consideration should be given to removing the field within the Haddacott Moor County Wildlife Site (CWS) from the application boundary. The objective here should be to restore habitats. Further advice should be sought from Devon County Council.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain.

Natural England's Technical Information Note Solar parks: maximising environmental benefits (TIN101) provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. You may also wish to note the industry guidance 'Solar farms and biodiversity opportunities'

A development of this scale should be ambitious in its scope for achieving biodiversity net gain and we note the submitted information suggest 56.9% net gain. Any habitat creation should be guided by existing plans such as biodiversity action plans or by emerging strategic approaches such as Local Nature Recovery Strategies (LNRS). The site sits within the Culm Natural Character Area and could contribute to, for example, the Devon Wildlife Trust's Working Wetlands

project. We would advise the applicant to discuss the proposal with the Devon Wildlife Trust who have extensive experience in restoring and creating culm grassland. The shade and shelter created by the panels is likely to affect the outcome. It may also be more effective to take a hay cut from the CWS to seed the adjacent fields rather than use a seed mix.

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

#### Local sites and priority habitats and species

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

Part of the development site falls within the Haddacott Moor CWS and consideration should be given to removing the relevant field from the application boundary. The objective here should be to restore habitats.

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

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

#### Soil and land quality

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

From the description of the development this application is likely to affect 16.5ha of BMV agricultural land (Grade 3a). The agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep and the land would be restored to full agricultural when planning permission expired (approximately 40 years).

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

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of

judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

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

#### Protected Species

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

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

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

Following submission of this advice to the LPA we are able to consider offering advice to the developer through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on the details below.

#### **The Environment Agency:**

06.10.2021

Whilst we note that the proposal is EIA development, we do not consider that this proposal raises any concerns within our remit. We therefore have no objections to this proposal.

#### **Environmental Protection Officer:**

09.02.2022

The Environmental Protection Team refers to its comments in the consultation response dated 30 September 2021.

15.11.2021

In relation to the above application and the additional information, the Environmental Protection Team refers to its previous consultation response dated 30 September.

30.09.2021

In relation to the above application, the Environmental Protection Team comments are outlined below.

#### Noise Impact

The Noise Impact Assessment is detailed and the noise impact of the proposed development has been undertaken in accordance with appropriate guidance and methodology. The Assessment reports very low levels of source noise and suggests that, in the main, no neighbouring third party dwellings will exceed the background level during the daytime or

night-time period. This indicates a low impact on residential amenity. In order to ensure that noise emissions from the proposed development do not adversely affect neighbouring amenity, the Environmental Protection Team recommends the imposition of the following condition:

The rating level of noise emitted from the plant and equipment serving the solar farm shall not exceed 30 dB LAr,Tr, (as defined in BS 4142:2014+A1:2019) at any time when evaluated at the boundary of noise sensitive receptors. Noise levels shall be measured and rated in accordance with British Standard BS 4142:2014+A1:2019.

Reason: To protect the residential amenity of neighbouring properties

The Assessment indicates that the compliance with the recommended noise limit is achievable.

#### Glint and Glare Assessment

The Glint and Glare Assessment indicates that a number of properties may theoretically experience reflected light for periods of time during certain times of the year but that the impact is largely negated due to location, distance and existing natural screening. Although the Assessment appears comprehensive and thorough, it would be prudent to ensure any unforeseen problems with reflected light can be addressed following the completion of the development. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the following condition:

Within 28 days from the receipt of a written request from the local planning authority confirming that problems of glint are occurring (following a complaint to the local planning authority from the occupant of a dwelling which lawfully existed or had planning permission at the date of this consent), the solar array operator shall submit a scheme of measures to prevent further glint, for the approval of the Local Planning Authority. Within 48 days (or other timescale agreed with the LPA) of obtaining approval for the scheme, the solar array operator shall fully implement the scheme.

Reason: To protect the amenities of neighbouring properties.

#### Impact on Amenity from Construction

Due to the existence of neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. The applicant has provided a Construction, Decommissioning and Traffic Management Method Statement that outlines appropriate measures to prevent or minimise disturbance to neighbouring residents during development. The intended working hours are not apparent from the information provided. The Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity during noise sensitive times.

#### **Conservation Officer:**

28.03.2022

The application is supported by a Heritage statement dated August 2021 prepared by the Pegasus group. The assessment takes the standard format and the observation and conclusions of the submitted Heritage Statement are accepted.

The study radius stops short of Huntshaw which contains a cluster of listed buildings including the Grade II\* Church of St Mary Magdalene. A building of the highest significance in heritage terms. However, the Local Authority has the information within the Heritage

statement and the prepared viewpoints to be able to assess the visual impact on this settlement sited beyond the edge assessment area radius.

The solar farm will be visible from Huntshaw but the visual impact on views back to Huntshaw and impact on the setting are considered to be less than substantial (in terms of harm) as set out in the paragraph 202 of the NPPF and should be assessed in terms of the public benefits of the proposal.

The viewpoint assessment notes the impact on the view from the entrance of the site to Huntshaw is minor adverse which is accepted.

**North Devon Council:**

02.03.2022

Thank you for your enquiry which was received on the 15 February 2022

In addition to the comments made through ENQ/2760/2021, after assessing the application, on the basis of the above advice, NDC wish to express that there are no further observations on the scheme and leave it to TDC to assess if all matters raised have been sufficiently addressed.

The comments in this letter are purely officer opinion and are made without prejudice to the outcome of a planning application. They are not binding upon the Officer or the Council.

22.10.2021

Site Description

The site is located within TDC area and comprises an area of agricultural land to the south of the boundary for NDC.

The land is undulating with rising landform on all boundaries. Within the site the land is interspersed with existing hedges and wooded areas. There is an existing solar installation and Substation and a number of pylons crossing the site.

The road system accessing the site is rural in nature.

There are residential properties within viewing distance of the site.

Recommendation:

Observations

Legal Agreement Required:- No

Constraints/Planning Policy

DM01 - Amenity Considerations

DM02 - Environmental Protection

DM02 - Environmental Protection

DM03 - Construction and Environmental Management

DM04 - Design Principles

DM05 - Highways

DM06 - Parking Provision

DM07 - Historic Environment

DM08 - Biodiversity and Geodiversity

DM08A - Landscape and Seascape Character

DM14 - Rural Economy

DM15 - Farm Diversification

DM17 - Tourism and Leisure Attractions

DM18 - Tourism Accommodation

ST01 - Principles of Sustainable Development  
ST02 - Mitigating Climate Change  
ST03 - Adapting to Climate Change and Strengthening Resilience  
ST04 - Improving the Quality of Development  
ST05 - Sustainable Construction and Buildings  
ST10 - Transport Strategy  
ST11 - Delivering Employment and Economic Development  
ST14 - Enhancing Environmental Assets  
ST15 - Conserving Heritage Assets  
ST16 - Delivering Renewable Energy and Heat  
ST23 - Infrastructure

#### Considerations

##### Proposal Description

This application seeks consultation in regard to detailed planning permission for the installation and operation of a Solar Farm together with all associated works and Infrastructure (1/1057/2021/FULM)

##### Planning Considerations Summary

- Principle of development
- Landscape character
- Heritage assets
- Ecology
- Flood risk and drainage
- Amenity
- Highways
- Conclusions and suggested conditions

##### Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

Section 16 of the Listed Building Act, in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

The National Planning Policy Framework (NPPF) is a material consideration.

##### Principle of development

As advised in ENQ 26760/2021, I have sought the advice of the Authorities Sustainability Officer and Planning Policy Team who advise that the principle of renewable energy is encouraged by policy ST16 subject to the scheme according with matters in relation to

potential landscape impact and impact on the Landscape Character type (ST14, DM08A) or resulting in adverse cumulative impact with other schemes.

Landscape Character:

The Landscape Character Type is 3A - Upper Farmed and Wooded Valley Slopes.

Following a site visit to the perimeter of the site, it is apparent that there is a large installation/substation in place as existing, and that the proposal would be constructed in the vicinity of this existing installation.

The Landscape comprises a mix of LCT:

- 1F - Farmed Lowland Moorland and Culm Grassland
- 5A - Inland Elevated Undulating Land
- 3A - Upper Farmed and Wooded Valley Slopes

Whilst I do not consider the site would directly impact on the North Devon LCT area of 3A, it is essential for all LCT areas essential that the proposal would be as well screened as possible utilising existing wooded areas and providing effective boundary treatments, and using as much low land area as possible.

The Sustainability Officer has confirmed that the area is crossed by numerous pylons and alongside an existing solar farm which detracts from landscape character. The Landscape Strategy appears to respond appropriately to existing woodland copses, stream valley habitats and general field boundaries so any long distance views of the site from within NDC would be unlikely to be significant.

From an NDC perspective, the Site Plan indicates the proposal is well located to fit within the high, level plateau areas around the existing substation. The area is crossed by numerous pylons and alongside an existing solar farm which detracts from existing landscape character. The Landscape Strategy appears to respond appropriately to existing woodland copses, stream valley habitats and general field boundaries so any long distance views of the site from within NDC would be unlikely to be significant.

It is not clear if there would be any justification for raising potential cumulative issues with the recently approved scheme at Litchardon (70718) given the differing host Landscape Character Types, intervening vegetation, and very limited inter-visibility.

Visually, the landscape is undulating forming a partial 'bowl' around the site. Far views appear restricted by the undulating landscape forms. It is difficult to see the site from views along the road to Webbery to the north but fleeting views may be attainable from field accesses or more permanent views from individual property. I have not had opportunity to assess from individual property. I understand you will assess this with the applicants LVIA. Immediate views of the site appear restricted to localised roads, public accessed tracks, and sporadic dwellings on upper slopes of the land form to the east.

In terms of current land use, mapping illustrates that the land has a mix of Grade 3 and 4 Agricultural land which would support the inclusion of Solar Infrastructure. You may wish to investigate the possibility of using the land in between the rows of panels for agricultural uses to facilitate an agricultural use of the site. A condition was attached to the approval of permission for Litchardon Farm (ref: 71708)

Matters of site security must be addressed to include suitable boundary fencing such as Deer fencing, which would not adversely impact on the wider rural character, and no undue additional lighting should be included, or should be suitably controlled. CCTV should be to a

minimum necessary for security and should not result in loss of privacy to any neighbouring use.

NDC have no objections to the principle of this proposal or the use of the agricultural land in question, accordant with ST16 - Delivering Renewable Energy and Heat.

#### Heritage assets

The impact on heritage assets would be considered against part 16 of the NPPF and policies ST15 - Conserving Heritage Assets and DM07 - Historic Environment. The scheme is accompanied by a Heritage Assessment.

The closest listed buildings on the boundary with TDC are Weach Barton, Eastleigh (Grade II) and Little Pillhead Farmhouse, Westleigh (Grade II) where Policies ST15 and DM07 would apply. The impact on Heritage assets, and in particular the wider setting, was a key consideration in application 71708 and if this development would be read in conjunction with a listed asset, or the setting, the advice of the relevant Heritage body is required.

The advice of the DCC HET would be required in respect of historic archaeology matters. It may be necessary to require a WSI in respect of Archaeological matters, or to include a suitable condition if required.

#### Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

It is understood that TDC would consider ecological and agricultural losses, resulting from the inclusion of the panels and equipment, and would look to deliver a net gain for biodiversity, and appropriate ecological management, through appropriate management conditions and the consideration of a detailed LEMP in addition to assessing local landscape character and visual impacts to accord with ST14 and DM08.

#### Flood Risk and Drainage

Part 14 of the framework at paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk of flooding. According to the mapping, the site does not appear to be located within an area of flood risk which would appear to accord with drainage policies.

Development should be made safe for its lifetime without increasing flood risk elsewhere and the comments of DCLLFA should be sought.

#### Highways

At paragraph 110 of the framework new development should ensure that safe and suitable access to the site can be achieved for all road users, and significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 is clear that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on the highway safety, or the residual cumulative impacts on the highway would be severe. This is reflected through policies ST10 (Transport Strategy) DM05 (Highways and DM06 (Parking) of the NDTLP



The Impact on the highway network should be considered through the Environmental Statement and the accompanying Transport Assessment.

Key highway issues may occur mostly at Construction and Decommission phase where deliveries and removals could be conditioned to off peak times and access points to the site should provide suitable and safe access/egress/parking and turning at all phases. Access throughout the lifetime of the scheme would be limited to site security and maintenance.

It is apparent that site access can be achieved at all phases of the development, and for the lifetime of the development, but the comments of DCC Highways would be essential to assess this further to ensure accordance with ST10, DM05 and DM06.

Amenity:

Objector's comments would be considered through the course of the application.

The site would be visible from properties in the vicinity of the development area but this does not necessarily mean that the impact on amenity is 'significant' or so undue as to warrant refusal of the scheme (DM01, DM04). Matters of Glint, Glare and noise must be fully assessed by Environmental Health, and through consideration of the Glint and Glare and submitted noise reports. It is likely that Construction and decommission phases would generate the most potential for short term impacts to amenity from noise/dust associated with the working of the site. Glint and Glare would be an issue for the lifetime of the scheme and effect on the local road network and any properties in the vicinity must be carefully considered.

Conclusion

On balance the proposal would deliver the following benefits:

- Opportunity to show that North Devon is committed to reducing its carbon footprint, and would promote renewable energy to meet National and Local aims to Net Zero by 2050 (ST02, ST03, ST16, NPPF 14)
- The development would contribute positively towards the presumption in favour of Sustainable Development reflecting the framework in terms of social, economic and environmental objectives (ST01, ST04).
- The development would deliver economic rural growth (ST07, ST11, DM14, DM15, NPPF 6)
- The site would utilise an existing power source in the vicinity of the site (ST16 and Solar farm guidance)
- The site would utilize lower grade land and would not appear to use best or most versatile land. Future use of the land can be secured for grazing with agreement of land owners/developers (DM15)
- The site would not appear to directly affect a protected area or AONB, SSSI (ST14, DM15, DM08A part 15 NPPF)
- The nature of the use is 'temporary' allowing the land to revert back to its former use once no longer required for energy use, and subject to the implementation of a detailed decommissioning scheme (ST11, DM14)
- The site should demonstrate retention of established landscape features such as woodland or hedgerows and should demonstrate significant biodiversity net gains across the site and ecological mitigation (ST14, ST23, DM08, DM08A NPPF 14 and 15)
- The site must not detract from local tourism or other public attractions such as PROW (ST11, ST13, DM17 DM18)

- You must be satisfied that the site access and method of accessing the scheme are considered safe at all phases of the scheme from a highway perspective and in consultation with DCC highways (ST10, DM05, DM06)
- The site must not lead to adverse impact on flood zones and must be acceptable subject to the comments of DCLLFA (ST10, DM04 Part 14 NPPF)
- The impact on heritage assets must not be unduly significant or result in loss of significance (ST15, DM07 NPPF 16)
- The site must be able to be suitably conditioned such that the technical requirements and any issues from Statutory Consultees can be suitably addressed (Environmental Health, Flooding and Drainage, Ecology, Architecture etc.)

These benefits must be balanced against any constraints in terms of:

- Impact on heritage assets or the setting of heritage assets
- Impact on amenity of neighbouring uses
- Impact on Ecology and biodiversity
- The effect on the Highway network
- The visual impact of the scheme and any cumulative impacts with approved schemes.

If the benefits outweigh the constraints then the application would be considered to accord with the adopted development plan subject to suggested conditions in respect of:

- Time
- Plans
- Removal of the use when no longer required or after the expiration of the agreed time frame for the lifetime of the scheme
- Removal of equipment not required to generate electricity as soon as possible
- Finishes for equipment cabinets and other equipment to be agreed
- Location of electrical cabling underground
- No external CCTV/lighting unless part of the approved plans
- Safe site access to be provided in accordance with agreed details
- Provision of CEMP
- Removal of temporary construction/access points
- Inclusion of all agreed landscaping, biodiversity, LEMP, Ecological mitigation measures
- Retention of vegetation where agreed
- Construction times restriction
- Should Glint or Glare become an issue it is dealt with appropriately
- Implementation of agreed Drainage plan
- All foul drainage and surface water runoff disposed of appropriately
- Implementation of necessary Archaeological works
- Use of land between the arrays for grazing of livestock

#### HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 - Right to Respect for Private and Family Life  
 THE FIRST PROTOCOL - Article 1: Protection of Property

## Representations:

Number of neighbours consulted:	39	Number of letters of support:	13
Number of representations received:	25	Number of neutral representations:	1
Number of objection letters:	10		

3rd party representations are summarised below.

### Landscape:

- Large scale and industrial character of development;
- Visual impact from Huntshaw Cross and wider area;
- Loss of character of rural landscape;
- Visual impact on rural, pastoral landscape;
- Moderate to high landscape sensitivity to large scale solar farms;
- Cumulative impact alongside existing solar farm;
- Need to ensure planting is implemented;
- Loss 53m hedgerows;
- Loss of peace, scenery and wildlife of countryside area;
- Adverse impact on landscape for two generations;
- 4 miles of 2m high security fence, 55 CCTV cameras on 2.5m high posts alien structures, very visible.
- Failing to 'conserve, protect and enhance valued landscape and historic environment'.

### Pollution:

- Concern over disposal of panels at end of life;
- Contamination of ground from materials in solar panels;
- Waste/contamination from panels that are not able to be recycled.

### Residential Amenities:

- Noise during construction phase;
- Working hours need to be enforced;
- Loss of privacy for neighbouring properties especially due to CCTV;
- Noise from generator.

### Highways:

- HGV traffic on narrow country lanes during construction period;
- Danger to cyclists, horse riders and walkers;
- HGV traffic on small road through Stony Cross;
- Reduced speed limit required during construction phase;
- Safety of residents and other road users from construction traffic;
- Better to access site from Bideford;
- Traffic assessments undertaken during lockdown and therefore not accurate;
- Impact of extended times that HGV traffic will drive through Stony Cross during construction.

### Consultation:

- Lack of consultation;
- Lack of face to face consultation;
- Limited consultation period online;
- Few able to access online consultation.

### Ecology:

- Includes land that is part of Haddacott Moor County Wildlife Site - Culm grassland;
- Deer fencing barrier to birds and bats foraging and breeding grounds;
- 'Slight harm' from transformers and inverters if low frequency may affect birds;
- Loss of skylark territories;
- Impact on bird, bat and other mammals habitats;

- Large construction traffic on narrow lanes creates possible damage to road surfaces, hedgerows, grass verges and banks;
- Loss of biodiversity and habitats;
- Loss of biodiversity as loss of open farmland;
- Loss of hedgerows;
- Mitigation for biodiversity loss not adequate;
- Mitigation for biodiversity loss will take time to establish;
- Additional habitat other than bat and bird boxes should be provided;
- Need to ensure mitigation for lost biodiversity is monitored and enforced.

#### Other Issues:

- Loss of agricultural land for food production;
- Grass underneath shaded and unsuitable for grazing;
- Condition should be applied so that after 40 years returned to full agricultural use;
- Preference for investment in other energy sources such as biofuels, nuclear;
- Only generate electricity in daytime;
- Nuclear power more sustainable and efficient;
- Costs will lead to higher energy bills;
- Reduction in local employment due to loss of agriculture;
- Capacity of solar farm reduced and benefits exaggerated;
- Dispute figures on energy production and carbon dioxide saved;
- Dispute sustainability of scheme;
- Impact on national grid stability;
- Impact on tourist industry due to loss of countryside;
- Large quantity of infrastructure to be built in addition to solar panels;
- Loss of carbon sequestration in soil due to impact on grass growth;
- Other more appropriate renewables should be considered;
- Possible impact of cable trenching on septic tank drainage in fields that occurred at neighbouring solar farm.

#### Supporting comments can be summarised as follows:

- Source of green energy that can help to tackle climate change and reduce our reliance on fossil fuels.
- Supports government policy to increase sources of renewable energy.
- Better option than nuclear energy due to issues of waste disposal.
- Energy output per acre greater than other green energy systems.
- Need to increase energy to support increasing demands.
- Cheaper option for electricity.
- Retention of grazing land for sheep underneath panels.
- Situated on underutilised grade 3-4 land that is not suitable for agriculture as heavy clay structure.
- Fairly well secluded from eye due to location and not eyesore.
- Appearance not important.
- Located not in the countryside but in hardworking agricultural land.
- Utilises existing infrastructure in terms of transport and connection to National Grid.
- Road widened to enable construction of existing substation is suitable for access.
- Next to Alverdiscott Sub Station so can be easily connected to National Grid.
- Create employment.
- Beneficial to local environment.

### **Policy Context:**

#### **North Devon and Torridge Local Plan 2011-2031:**

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST11 (Delivering Employment and Economic Development); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST16

(Delivering Renewable Energy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character);

### **Government Guidance:**

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); WACA (Wildlife & Countryside Act 1981); NERC (Natural Environment & Rural Communities);

## **Planning Considerations**

Material Planning Considerations:

1. Principle of Development
2. Agricultural Land Classification
3. Impact on Landscape Character
4. Heritage Impact
5. Impact on Residential Amenities
6. Security
7. Highways Access
8. Construction Phase Provisions
9. Drainage and Flood Risk
10. Ecology & Biodiversity Net Gain
11. Representations
12. Planning Balance

### 1. Principle of Development:

- 1.1. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 1.2. The NPPF sets out national policy and notes at paragraph 11 that for the consideration of planning applications there is a presumption in favour of sustainable development. For decision makers this means approving development proposals that accord with an up-to-date development plan without delay. Specifically in relation to meeting the challenge of climate change, the NPPF notes that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. This includes supporting renewable and low carbon energy and associated infrastructure (paragraph 148). Further policy provision is made at paragraph 154 in relation to the determination of applications for renewable energy developments.

This confirms that 'local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas'.

- 1.3. There are no specific areas for renewable energy developments identified in the North Devon and Torridge Local Plan.
- 1.4. The National Planning Practice Guidance (NPPG) makes recommendations for the consideration of large scale, ground mounted solar photovoltaic farms noting that Local Planning Authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 1.5. The application site is a greenfield site in an active agricultural use. Further consideration of the quality of the application site for agricultural purposes is set out in subsequent section, however it should be noted that the rural nature of the District would limit the number of large scale previously developed sites within the surrounding area for consideration as an alternative site. Likewise, the majority of land within the surrounding area is either developed or in active agricultural use, with few vacant brownfield sites for consideration as alternative sites for this type of development.
- 1.6. At a local level, Policy ST01 of the North Devon and Torridge Local Plan (NDTLP) emphasises that development proposals will be considered with a presumption in favour of sustainable development, as contained in the NPPF.
- 1.7. The application is located within the countryside. As a result, the provisions of section (4) of Policy ST07 of the Local Plan are relevant which states that in the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.
- 1.8. Policy ST16 relates more specifically to renewable energy proposals and seeks to support renewable and low carbon energy and heat generating development (with the exception of wind energy) in principle within the landscape character types where:  
  
'(a) landscape sensitivity is best able to accommodate them, assessed in accordance with the Councils' Landscape Sensitivity Assessments and by the landscape's sensitivity to accommodate the scale of development;  
(b) there is no significant impact on local amenities; and  
(c) the special qualities of nationally important landscape, biodiversity and heritage designations and their settings are conserved or enhanced'
- 1.9. Section (4) of Policy ST16 further notes that renewable energy development (other than wind energy) will be supported where it can demonstrate that the cumulative impact of operational, consented and proposed development on landscape character does not become a significant or defining characteristic of the wider fabric, character and quality of the landscape.
- 1.10. Taking into consideration the provisions of both national and local policy, a solar PV development would be supported in principle, subject to further detailed consideration in relation to the following material matters.

## 2. Agricultural Land Classification

- 2.1. Section 15 of the NPPF seeks to conserve and enhance the natural environment and notes that planning policies and decisions should contribute to and enhance the natural and local environment in a number of ways. These include recognising the intrinsic character and beauty of the countryside as well as the economic and other benefits of the best and most versatile agricultural land (paragraph 170). The Glossary to the NPPF defines 'Best and most versatile agricultural land' (BMV) as: 'Land in grades 1, 2 and 3a of the Agricultural Land Classification'.

- 2.2. Guidance contained within the NPPG for solar farms sets out a number of factors which Local Planning Authorities should consider in the determination of an application for a large scale, ground-mounted solar photovoltaic farm. These include:
- 'where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays'.
- 2.3. The Agricultural Land Classification system was devised by the then Ministry of Agriculture, Fisheries and Food in 1988. This is determined agricultural land quality based on the climate, site characteristics (e.g. gradient, flood risk and micro relief) and soils (e.g. texture, structure, depth and chemical properties). The system classifies agricultural land into the following grades: Grade 1 = excellent quality agricultural land; Grade 2 = very good quality agricultural land; Grade 3 = good to moderate quality agricultural land - divided into sub-grade 3a (Good quality agricultural land) and sub-grade 3b (moderate quality agricultural land). Grade 4 = poor quality agricultural land and Grade 5 = very poor quality.
- 2.4. The applicant has provided supporting information in this regard, noting:
- The project will take 63ha of agricultural land out of its current production. The Agricultural Land Classification Report undertaken in November 2019 assessed 60.1ha of the 63ha within the site boundary, and of this 5ha is grade 3a and 43.6ha is grade 4. The loss of 5ha of grade 3a is of low significance and medium sensitivity. The loss of 43.6ha of grade 4 land is medium significance and low sensitivity. Due to the temporary nature of the loss during the construction phase (6 months), the loss of land during the construction phase is deemed not significant.
- 2.5. Natural England commented on this application, and have a slightly different estimation regarding the loss of BMV agricultural land:
- "From the description of the development this application is likely to affect 16.5ha of BMV agricultural land (Grade 3a). The agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep and the land would be restored to full agricultural when planning permission expired (approximately 40 years)."
- 2.6. Notwithstanding this inconsistency, Natural England raise no objections regarding this point:
- "We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas."
- 2.7. The applicants confirm that the area on which solar panels will be placed can continue to be grazed by sheep and claim the proposal will have minimal impact on the existing farm business. It is not anticipated the scheme will result in any significant employment impacts to the agricultural economy.
- 2.8. It is recognised that there are more permanent features within the site, however, when viewed in the wider context of the site these are deemed to be minimal, and in any event, some remedial measures are likely to be possible at the end of the development's lifetime. This will be covered by condition.

- 2.9. Overall, it is considered that the majority of the site which the solar farm would be located is not classified as best and most versatile agricultural land. In addition, as noted in the response from Natural England, the proposed solar farm would not result in the permanent loss of the agricultural land for future generations (subject to a condition securing the sites use a temporary). Whilst guidance contained within the NPPG seeks to direct large scale solar farms to previously developed or non-agricultural sites, this should be considered against the availability of such sites within the District and the level of soil disturbance resulting from the development as well as the 'temporary' nature of the proposed development. Taking this into consideration, the proposal is considered to be acceptable in this regard.

### 3. Impact on Landscape Character

- 3.1.1. National policy guidance contained within the NPPF notes that planning decisions should contribute to and enhance the natural and local environment including protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital (paragraph 170). Guidance in relation to renewable energy proposals set out in the NPPG notes the importance of considering landscape character areas both at a national and local level. Further guidance within the NPPG notes that cumulative impacts require particular attention, particularly with respect to large scale solar farms and that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape. The NPPG also notes that the potential impact of glint and glare should also be a consideration in relation to landscape impact along with the potential to mitigate landscape and visual impacts through, for example screening with native hedges.
- 3.1.2. Guidance in relation to assessing the landscape impacts of renewable energy proposals is set out in the NPPG and notes that these should consider both direct and indirect effects, cumulative impacts and temporary and permanent impacts. In order to assess the significance of impacts, a number of criteria should be considered including: the sensitivity of the landscape and visual resource, the magnitude or size of the predicted change and noting that some landscape character types may be more sensitive to certain types of change than others.
- 3.1.3. Policy ST16 of the Local Plan in relation to renewable energy proposals states that such development will be supported in landscape character types where:
- '(a) landscape sensitivity is best able to accommodate them, assessed in accordance with the Councils' Landscape Sensitivity Assessments and by the landscape's sensitivity to accommodate the scale of development'.
- 3.1.4. The site is largely located within Landscape Character Area 5A (Inland Elevated Undulating Land) as set out in the Joint Landscape Character Assessment for North Devon and Torridge Districts (JLCA). The special qualities of this landscape type include:
- Long views from elevated ridgelines.
  - Patchwork of fields and hedges.
  - Working, rural landscape.
  - Valued Culm grassland and wetland habitats providing texture to the landscape.
  - Quiet, relaxed and tranquil.
- 3.1.5. The eastern part of the site is LCT 1F Farmed Lowland Moorland and Culm Grassland
- Distinctive Culm grassland habitats and associated birdlife.
  - Traditional management regimes (including grazing by North Devon Reds).
  - Small field patterns enclosed by thick Devon banks and surrounded by open grazing land.
  - Isolated farms and farmsteads.



- High levels of tranquillity and remoteness.

3.1.6. The JCLA identifies a number of forces for change which have previously or currently taking place within these landscape character areas. In addition future forces for change are detailed. The most relevant with relation to this development include:

Previous/Current

- The installation of domestic-scale renewables such as building-mounted wind turbines.
- Installation of prominent pylon lines crossing through the landscape.

Future

- Emerging demand for large-scale photovoltaic developments, capitalising on the solar radiation levels of slopes with a southerly aspect.
- Demand for domestic and community-scale renewable energy installations such as solar panels, small wind turbines and ground-source heat pumps
- The effects of climate change - including more intense drought conditions affecting the landscape's wetland habitats and Culm grasslands.
- Changes in crops and land use as a consequence of climate change and response to changing markets (e.g. for more UK-based food production and alternative crops such as Miscanthus).

3.1.7. As detailed within the submitted Environmental Statement, the National Character Area (NCA) profiles, produced by Natural England, provide a broad range of information including an outline of the key characteristics of a given area, description of the ecosystem services provided and how these relate to people, wildlife and the economy, and an array of opportunities for positive environmental change. This application site is within the NCA 93, The Culm. The Environmental Statement proceeds to detail the key characteristics of relevance to this site.

3.1.8. The site is also within the Devon Character Area, High Culm Ridges.

3.1.9. The Council has produced an Assessment of the Landscape Sensitivity to Onshore Wind Energy & Field-Scale Photovoltaic Development in Torridge District which assesses the landscape sensitivity of various parts of the District to different scale renewable energy projects. This identifies the sensitivity of the landscape character types to different sizes of solar PV developments. In this case, both landscape character types are likely to be highly sensitive to developments of this scale.

3.1.10. To assist in the determination of this application, the Council sought independent advice from a chartered member of the Landscape Institute. This advice consists of a review of the submitted LVIA, Landscape and Visual issues, and helps inform the remainder of this section. The independent advice does acknowledge some areas of disagreement between the LVIA and independent LVIA review, including:

- Inclusion of the Devon Character Assessment
- Use of local lanes by walkers etc (in determining sensitivity)
- Cumulative Impacts

3.1.11. Despite the areas of disagreement, neither the submitted LVIA or Independent Review predict an overall significant adverse impact on the landscape.

## 3.2. Landscape and Visual Impact Assessment

3.2.1. Technical Guidance (Note 1/20) produced by the Landscape Institute provides guidance on the production and review of Landscape and Visual Appraisals as well as Landscape and Visual Impact Assessments (LVIAs). This confirms that such assessments should include consideration of both landscape and visual effects of a development as well as the need to establish the landscape baseline and sensitivity of the landscape to change.

3.2.2. An Environmental Statement has been submitted in support of the application which includes an assessment of Landscape and Visual Impacts. Main objectives of the documents are detailed as follows:

- Identify, evaluate, and describe the current landscape character of the Application Site and its surroundings.
- Verify the sensitivity of the landscape to the type of development proposed.
- Identify potential visual receptors (i.e. people who would be able to see the development) and representative viewpoints, and evaluate their sensitivity to the type of changes proposed.
- Identify and describe any likely effects of the development on identified landscape and visual receptors.
- Evaluate the magnitude of change and its significance.
- Identify and integrate any mitigation measures that may help in offsetting or reducing adverse effects.
- Assess the residual effects upon the identified landscape and visual receptors.

3.2.3. The majority of the site is set within a topographical bowl and is surrounded by woodland and hedgerow limiting wider landscape views of the scheme. This is not to say the site will not be visible, with distances views of parts of the site being available from higher ground to the south and west, and localised views available through field gateways. The existing rural landscape is influenced by existing electricity infrastructure features including pylon lines, the Gammaton Moor sub-station, along with the existing Cleave Solar Farms.

3.2.4. A study area for the Landscape Assessment of 5km has been utilised by the applicants, with a more detailed focus of up to 2km. This is considered to be acceptable in accordance with best practice. It should be noted that the study area is not intended to provide a boundary beyond which the Proposed Development will not be seen, but rather to define the area within which to assess its potential significant landscape and visual effects.

3.2.5. independent LVIA review identifies that construction effects area transitory, and decommissioning effects are generally considered to be beneficial. Thus, whilst it is acknowledged there will be visual impacts arising from the construction and operation, it is considered appropriate to focus on the operational impacts (this is also the approach of the LVIA).

3.2.6. In terms of operational Landscape Effects, the LVIA and the Independent Review predict adverse landscape effects on the site and in an area up to around 2km from the site. Within this study area, it is predicted the development would result in minor and moderate-minor adverse impacts on the character and quality of the landscape. The Planning Officer concurs with this.

3.2.7. With regards to Visual Effects, the Independent Review notes that in the operational stage, generally negligible and minor adverse effects are predicted in views from the north, west and east. Major-moderate adverse visual impacts are predicted for receptors to the south due to the topography and more prominent fields in the western portion of the sites. Significant effects are predicted in the form of 'individual visual effects'. For example, when stopped in a field gateway. However, when taken as a whole the development is not considered to result in any significant adverse landscape or visual effects.

3.2.8. The Planning Officers observations are consistent with that of the LVIA review. It is acknowledged that there will be some adverse landscape and visual effects, however, when the development is considered as a whole these are not considered to be significantly adverse. In relation to policy, there is some conflict with policy ST16 in this regard, in particular, with ST16 3 (a) and DM08 due to the adverse impacts arising from the scheme, and the landscape sensitivity to this scale of development, however, overall the landscape impacts are not significantly adverse. In addition, the proposal could also be

said to be contrary to policy ST14 (g), which requires the protection and enhancement of local landscape character, taking into consideration the key characteristics and historical dimension of the landscape and their sensitivity to change.

- 3.2.9. Finally, Natural England note: "The proposed development is for a site within 7.5km of the North Devon Area of Outstanding Natural Beauty (AONB), a nationally designated landscape, and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha."

In the opinion of your planning officer, due to the topography and the screening, there will not be any harm to the North Devon AONB.

### 3.3. Cumulative Landscape Impacts

- 3.3.1. Guidance contained within the NPPF states that Local Planning Authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than dealing with set-back distances for safety between renewable energy developments, distance in itself does not necessarily determine whether the impact of a proposal is unacceptable with other aspects such as local context, topography, local environment and nearby land uses being key considerations. The NPPG further notes that the approach to assessing the cumulative landscape and visual impact of large-scale solar farms is likely to be the same as that for wind turbines although notes that in the case of ground mounted solar panels with effective screening and appropriate land topography, the zone of visual influence could potentially be zero.

- 3.3.2. Policy ST16 of the Local Plan in relation to renewable energy development notes, at Section (4) that:

'Renewable and low carbon energy development (other than wind energy) will be supported where it can demonstrate that the cumulative impact of operational, consented and proposed development on landscape character does not become a significant or defining characteristic of the wider fabric, character and quality of the landscape'.

- 3.3.3. Section 5.7 of the Environmental Statement/LVIA takes account of the cumulative impacts of the development in relation to existing solar farms and electricity infrastructure within the surrounding landscape, and notes that no significant in combination or cumulative effects are predicted (albeit this is a brief assessment as acknowledged by the LVIA review).

- 3.3.4. Following the consultation response from NDDC, consideration has been given to application 71708 (North Devon Council), however, the proposal is considered to be significantly distanced from this site, with limited intervisibility. Therefore the cumulative impacts are not considered significant by the Planning Officer.

- 3.3.5. The Independent LVIA review acknowledges the potential for cumulative effects when taken in combination with other electricity infrastructure, however, recommends these effects are unlikely to be significant. The Planning Officer concurs with this view.

### 3.4. Glint and Glare

- 3.4.1. A Glint and Glare Assessment has been produced in support of the application, produced by neo-environmental. The Glint and Glare Assessment provides an evaluation of the degree of impact from glint and glare which would result from the proposed development. The submitted Assessment has set a 1km radius from the site to identify ground-based receptors and a 30km study area for aviation receptors. The study identifies that within 1km of the Application Site, there are 73 residential receptors and 76 road receptors which were considered.

3.4.2. The report concludes that the effects of glint and glare and their impact on local receptors has been analysed in detail and there is predicted to be no impacts on residential receptors and negligible on road receptors and aviation assets.

3.4.3. The Council's Environmental Protection Officer has commented in relation to the likely impacts from the development in terms of glint and glare noting:

'The Glint and Glare Assessment indicates that a number of properties may theoretically experience reflected light for periods of time during certain times of the year but that the impact is largely negated due to location, distance and existing natural screening. Although the assessment appears comprehensive and thorough, it would be prudent to ensure any unforeseen problems with reflected light can be addressed following the completion of the development. As a result, a condition relating to how any future complaints relating to glint and glare can be dealt with is recommended as part of any planning permission granted.'

3.4.4. The proposed development is not considered to result in any potential issues relating to glint and glare and an appropriate condition is recommended to ensure any potential future complaints can be addressed.

### 3.5. Trees

3.5.1. An Arboricultural Assessment has been submitted in support of the application. The site consists generally of agricultural fields, however, there are hedgerows and trees/groups of trees within/surrounding the site which are generally of moderate quality.

3.5.2. As summarised by the Arboricultural Assessment, no individual trees are required to be removed in order to implement the proposed development, with the overwhelming majority of the arboricultural resource being retained. The extent of the required hedgerow removals will be limited to circa 26 linear metres of moderate quality hedgerow and circa 15m of low-quality hedgerow to allow for the construction and access track plus circa 12m for the routing of the security fence. A total of circa 53m. This will be mitigated by the planting of new hedgerows and will be conditioned (the biodiversity management plan indicates approximately 1065m of new hedgerows).

3.5.3. A condition will be recommended requiring a finalised arboricultural method statement and tree protection plan, which will help prevent any damage to landscape features and ecology during the construction phase.

3.5.4. A Landscape Strategy has been submitted by the applicants, which details proposed trees, hedgerow and planting. In addition, retained features are detailed. Subject to a condition to secure new planting which will mitigate the loss of hedgerows, it is considered that sufficient arboricultural information has been provided to confirm that the development can be undertaken without undue detriment to the majority of the existing trees and hedgerows on the application site and appropriate tree protection measures would be incorporated into the development.

### 3.6. Conclusion

3.6.1. Overall, there is some policy conflict which arises from this scheme (see 3.2.8). In addition, whilst there will not be any 'significant adverse landscape or visual impacts' when considered as a whole, there will still be an adverse impact which members will need to weigh up as part of any planning balance.

## 4. Heritage Impact

4.1. National policy contained in the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight

should be given to the asset's conservation (and the more important the asset, the greater the weight should be (paragraph 192). Further, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

- 4.2. Policy DM07 of the Local Plan reiterates the national guidance in relation to heritage assets and notes that;

'Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.'

- 4.3. Policy ST15 is also relevant, which relates to 'Conserving Heritage Assets'

- 4.4. A heritage assessment was submitted with this application, which comprehensively sets out the policy background and methodology for consideration.

- 4.5. With regards to the submitted heritage assessment notes:

- No designated heritage assets are located within the site.
- The Scheduled Monument of an Iron Age enclosure and Roman marching camp lies c.365m west of the central parcel of the site (Figure 7, A).
- A total of 14 Listed Buildings are located within a 1km radius of the site. All are Grade II except for the Church of All Saints at Alverdiscott, which is Grade II\* (Figure 7, D).
- No World Heritage Sites, Conservation Areas, Registered Parks and Gardens, or Registered Battlefields are located within the study area.

- 4.6. In addition to the above, it is worth noting that St Mary Magdalenes Church (Grade II\*) and Hunstow Barton (Grade II) are 1.8 kilometres to the south of the site. Due to the topography, there are likely to be views between the two.

- 4.7. With regards to 'Built Heritage', the submitted heritage assessment notes that the scheme only results in limited/no harm to the setting of any heritage asset within 1km of the site.

- 4.8. The Council's Conservation Officer has commented on the scheme, and notes:

"The application is supported by a Heritage statement dated August 2021 prepared by the Pegasus group. The assessment takes the standard format and the observation and conclusions of the submitted Heritage Statement are accepted.

The study radius stops short of Huntshaw which contains a cluster of listed buildings including the Grade II\* Church of St Mary Magdalene. A building of the highest significance in heritage terms. However, the Local Authority has the information within the Heritage statement and the prepared viewpoints to be able to assess the visual impact on this settlement sited beyond the edge assessment area radius.

The solar farm will be visible from Huntshaw but the visual impact on views back to Huntshaw are considered to be less than substantial as set out in the paragraph 202 of the NPPF and should be assessed in terms of the public benefits of the proposal.

The viewpoint assessment notes the impact on the view from the entrance of the site to Huntshaw is minor adverse which is accepted."

- 4.9. The Planning Officer concurs with the Conservation Officers view, and considers the proposal is likely to result in less than substantial harm to the setting of any heritage asset. This harm will be discussed in the planning balance.

- 4.10. Having regards to below ground heritage, the applicants submitted an Archaeological Evaluation Report during the processing of this application, produced by Oxford Archaeology. Devon County Councils Historic Environment Team were consulted and note most recently:

"A programme of archaeological work has been undertaken within the proposed development site. These investigations did not reveal any heritage assets of such significance that any further archaeological mitigation is required on site. A report setting out the results of the field evaluation undertaken has been submitted to the Historic Environment Team and two samples are being processed for radiocarbon dating.

Upon the receipt of these radiocarbon dates the evaluation report will be updated. I have been assured that funds and resources are in place to complete these outstanding tasks and, as such, the Historic Environment Team has no comments to make on this planning application."

- 4.11. Overall, the proposal is considered to be acceptable with regards to below ground heritage.
- 4.12. In conclusion, this application is likely to cause limited harm to any heritage asset or its setting, and this harm is considered to be outweighed by the public benefits of the scheme relating to the production of renewable energy. As such ST15 and DM07 are satisfied.

## 5. Impact on Residential Amenities

- 5.1. The NPPF notes that all communities have a responsibility to help increase the use and supply of green energy but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As noted above, Policy ST16 of the Local Plan seeks to support renewable energy developments where there is no significant impact on local amenities. Policy DM01 states that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses.
- 5.2. In addition Policy DM02 of the NDTLP relates to Environmental Protection and seeks to ensure proposals have an acceptable impact with regards to hazards and pollution.
- 5.3. The proposed development seeks the addition of solar panels to a maximum height of 3 metres. In addition, there is supporting infrastructure at various locations within the site, and fencing surrounding the scheme.
- 5.4. The nearest neighbouring dwelling to the site is Moorlands to the southwest (approximately 125 metres separate the dwelling from the proposed panels). Lower Kingdon is approximately 150 metres to the south of the site. Dwellings around Stoney Cross are approximately 300 metres to the north of the site. Due to the distance separating the site from any dwelling, there are not considered to be any impacts regarding loss of light, privacy or overbearing impacts which arise from the scheme. A condition relating to CCTV is recommended, to ensure that neighbours are not overlooked (see section 6).
- 5.5. A Noise Impact Assessment is provided with this application. The Councils Environmental Protection Officer has reviewed this application with regards to noise, and advises:

"The Noise Impact Assessment is detailed and the noise impact of the proposed development has been undertaken in accordance with appropriate guidance and methodology. The Assessment reports very low levels of source noise and suggests that, in the main, no neighbouring third party dwellings will exceed the background level during the daytime or night-time period. This indicates a low impact on residential amenity. In order to ensure that noise emissions from the proposed development do not adversely

affect neighbouring amenity, the Environmental Protection Team recommends the imposition of the following condition:

The rating level of noise emitted from the plant and equipment serving the solar farm shall not exceed 30 dB LAr,Tr, (as defined in BS 4142:2014+A1:2019) at any time when evaluated at the boundary of noise sensitive receptors. Noise levels shall be measured and rated in accordance with British Standard BS 4142:2014+A1:2019.

Reason: To protect the residential amenity of neighbouring properties The Assessment indicates that the compliance with the recommended noise limit is achievable"

Subject to condition, there are not anticipated to be any noise concerns arising from this development.

- 5.6. To avoid neighbouring nuisance during the construction phase, the Councils Environmental Protection Officer recommends a condition restricting hours of construction/delivery. In addition, whilst there are no anticipated problems regarding Glint and Glare, a condition is recommended to safeguard neighbours should a problem arise.
- 5.7. There is no evidence to suggest that the siting of Solar Panels results in contamination issues during the operational phase. A Construction Environmental Management Plan will be conditioned to limit any potential pollution issues during construction.
- 5.8. Taking into consideration the above information, relationship of neighbouring properties to the proposed development, and the retained hedgebanks, as well as the scale and nature of the proposals, together with the recommended noise condition, a harmful impact on the amenities of neighbouring occupiers is not considered to result. DM01 and DM02 are therefore satisfied.

## 6. Security

- 6.1. Policy DM04 sets out design principles for development proposals and notes, at section (g) that development should provide public and private spaces that are well designed, safe, attractive and complement the built form, designed to minimise anti-social and criminal behaviour. In addition, Policy DM04 notes that the amenities of existing and future neighbouring occupiers should be safeguarded.
- 6.2. The submitted plans propose the inclusion of CCTV cameras facing into the site to be mounted on posts 2.5 metres in height (drawing no. UK\_EPD\_CCTV Camera\_00). As detailed on the proposed layout plan, the cameras will be installed on posts around the perimeter fencing and will face into the site. The perimeter fencing is detailed on plan (UK\_EPD\_Fence\_00), which details a two-metre-high fence with the addition of small mammal holes to enable free access.
- 6.3. Comments have been received from the Police Designing Out Crime Officer in response to the application. These raise no in principle objections to the proposed development from a crime and disorder perspective. Additional advice is given within the consultation.
- 6.4. Representations received have noted concerns about the relationship of CCTV cameras to neighbouring properties and the potential for overlooking with a resultant loss of privacy. The submitted plans propose the CCTV cameras to be angled into the site rather than towards neighbouring properties. In addition, the proposed cameras would be located adjacent to the deer fencing which is located inside the existing hedge boundaries and therefore set away from the boundaries of the site. As a result, the proposed CCTV cameras would be located at a distance to neighbouring dwellings and are unlikely to cause concerns. For the avoidance of doubt, a condition will be utilised to ensure CCTV cameras are angled into the site.

- 6.5. The proposed security details are considered to be acceptable for the nature and location of the proposed development. DM04 is satisfied.

## 7. Highways Access

- 7.1. Policy DM05 of the Local Plan states that all development must ensure safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians. In addition, all development shall protect and enhance existing rights of way, footways, cycleways and bridleways. Finally, ST10 relates to the districts 'Transport Strategy'.
- 7.2. It is generally accepted that Solar Farms when operational do not give rise to significant traffic movements. Chapter 7 of the Environmental Statement thus focuses on construction and decommissioning phases of development.
- 7.3. The applicants estimate the volume of traffic which will occur during the construction of the proposed development will include 'approximately 1,050 deliveries to the Application Site, spread over the 7 month construction period. At the most intense period of construction there will be around 10 deliveries, 20 HGV movements, per day, though typically less than this number during the rest of the construction period'.
- 7.4. The Environmental Statement claims a construction management plan has been provided, which sets out proposals for delivery of materials, plant and labour to and from the Application Site. It covers mitigation such as delivery time restrictions, construction traffic signs and management of HGV movements to minimise delay and ensure the safety of other users. The Construction Route will utilise the existing access to Alverdiscott Substation, and the existing construction access route previously used for the adjacent solar farm.
- 7.5. The County Council's Highways Officer has reviewed the submitted plans and notes:
- "I have no issue with the access points proposed by the applicant. The proposed route has previously been used for similar developments and, as has been noted in the applicant's submitted information, there is no evidence that this has resulted in severe issues. As a result, subject to the below condition, I raise no highway issues."
- A condition is required which relates to the provision of a Construction Management Plan (CMP).
- 7.6. A decommissioning management plan will be required to ensure there are no highways concerns during the decommissioning phase. This will also be conditioned.
- 7.7. There are no existing Public Right of Ways or cycle routes which route across or adjacent to the site according to Devon County Council's interactive Rights of Way map
- 7.8. Overall, this application is considered to be acceptable with regards to highways, and the impact is not considered 'severe'. Therefore the proposal is considered compliant with Local and National Policy.

## 8. Construction Phase Provisions

- 8.1. Policy DM03 of the Local Plan states that all development that will generate a significant volume of construction and operational waste will be required to demonstrate through a waste audit statement how the waste will be minimised, and residual waste will be reused or recycled on site or segregated for reuse and recovery elsewhere.



- 8.2. Policy DM02 relates to environmental protection noting that development proposals will be supported where they do not result in unacceptable impacts to atmospheric pollution, pollution or surface or ground water, noise and vibration and light pollution.
- 8.3. A 'Construction, Decommissioning and Traffic Management Method Statement' (CDTM) was submitted with this application. This details the potential waste during the construction process. This is considered to be acceptable due to the inclusion of recycling and the appropriate management of topsoil where relevant. Due to the nature of the scheme, the proposal is not considered likely to produce significant volumes of operational waste.
- 8.4. An hours of operation condition will be implemented which will control noise on site (as noted in section 5.) The CDTM also notes contractors will be required to conform to the construction noise code of practice BS 5228. It is not anticipated there will be significant dust issues arising from the construction/decommissioning, however, if conditions are very dry then the CDTM notes misting/spraying will be utilised.
- 8.5. Highways have requested a Construction Management Plan, which will limit the impact of development on the local highways network. The CDTM indicates compounds and wheel washing facilities will be utilised, which will also be a requirement of the Construction Management Plan and will be secured by condition.
- 8.6. The CDTM sets out decommissioning information, however, a condition will be required to secure the decommissioning of the site and its restoration.
- 8.7. The Environmental Statement advises that construction pollution is an indirect risk to surrounding habitats. A Construction Environmental Management Plan will be conditioned, which will seek to limit this.
- 8.8. Subject to conditions relating to construction management, decommissioning, hours of operation, and compliance with the CDTM the proposal is considered to be acceptable regarding the construction phase provision.

## 9. Drainage and Flood Risk

- 9.1. This application is accompanied by a Flood Risk Assessment, produced by PFA consulting dated October 2021. The report identifies that the entire site is within Flood Zone 1, with the majority of the site being at 'Very Low' risk of flooding. A sustainable drainage strategy is proposed for managing surface water, which includes the addition of swales to intercept extreme flows which may already run off site.
- 9.2. Devon County Council were consulted on this application in their role as Lead Local Flood Authority. No objection is raised, and it is noted that the swales are likely to result in a betterment to the existing scenario on site. In addition, the Environment Agency raise no objections.
- 9.3. A condition will be recommended to ensure that the proposed mitigation/enhancement is provided. Subject to condition, the application is policy compliant with regards to drainage.

## 10. Ecology & Biodiversity Net Gain

- 10.1. Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the Torridge District Local Plan through Policy DM08 of the Local Plan which requires new development to 'avoid adverse impacts on existing ecology features as a first principle, and enable net gains by designing in biodiversity features'.

10.2. This application was screened in 2019. Following consultation with Natural England, the application was considered EIA development due to the location of development (within 5km of the Taw Torridge Estuary Site of Special Scientific Interest (SSSI) which is notified for its intertidal habitats and overwintering bird interest), and the potential for localised and transboundary impacts on local bird populations. As a result, an Environmental Statement was submitted with this application.

10.3. The submitted environmental statement comprises details of breeding and wintering birds, including accompanying surveys. The Environmental Statement notes: "During the surveys no species linked to Taw-Torridge Estuary SSSI were observed within the Application Site and wider survey area; with lapwing, golden plover and curlew only ever heard (presumed to be flying over the area)." Natural England were consulted on this application and note:

"It is our advice, based on the material supplied with the consultation that, in so far as statutory designated sites are concerned, there are no significant impacts identified and Natural England therefore does not object."

Natural England advise further consideration could be given to mitigating the impacts on common snipe across the site. A Biodiversity Management Plan is submitted; however, it does not specifically relate to common snipe. In the opinion of the planning officer, this would not warrant a reason for refusal due to the level of biodiversity net gain proposed.

10.4. There are not considered to be any significant impacts on designated sites, however, it should be noted that part of the proposal is within the County Wildlife Site at Haddacott Moor. Natural England advice notes:

"Consideration should be given to removing the relevant field from the application boundary. The objective here should be to restore habitats."

The planning officer discussed this with the agent, who advised:

"One field in the most northern parcel of the Site lies within a non-statutory County Wildlife Site (Haddacott Moor CWS) which is designated for its Culm grassland habitat. The Proposed Development has been designed to avoid all semi-improved grassland and Culm grassland habitats, and as such, five field parcels within the Haddacott Moor CWS were removed from the layout during the pre-application stage to avoid impacts to qualifying habitats of the Haddacott Moor CWS. As a consequence, the development will only result in the direct land take of one field parcel within the Haddacott Moor CWS. The extended Phase 1 habitat surveys confirmed that Culm grassland is not present within this field parcel, with habitats recorded as poor semi-improved grassland. The impact of the proposed development on the CWS is considered further within ES Chapter 6 Biodiversity."

10.5. Policy DM08 (5) relates to local sites, and notes:

Development likely to affect adversely locally designated sites, their features or their function as part of the ecological network, including County Wildlife Sites, County Geological Sites and sites supporting Biodiversity Action Plan habitats and species, will only be permitted where the need for and benefits of the development clearly outweigh the loss, and the coherence of the local ecological network is maintained.

10.6. In this case there is a slight loss to a section of the CWS, however, no significant harm is predicted to its wider function. The benefits of the scheme are discussed in the planning balance in section 12. In the opinion of the planning officer, the benefits outweigh the harm and this would not be a sufficient reason for refusal.

- 10.7. The submitted Environmental Statement is comprehensive. In summary, in terms of species, Hazel dormouse were identified to be present on the application site. In addition, the habitats present could also support amphibians, reptiles, badgers, bats, otter, water vole and breeding birds. Great crested newts were concluded to be absent. As previously noted, the Application Site was determined to have limited value to wintering birds including those associated with Taw-Torrige Estuary SSSI. Subject to mitigation/enhancement, the proposal is not considered to result in any direct significant adverse impacts on habitats, protected or notable species.
- 10.8. A Biodiversity Management Plan was submitted with this application, which details a variety of ecological enhancement measures, and a plan for the management of the site. Habitat enhancement measures include:
- Mixed native species hedgerow planting, including approximately 1065m of new hedgerows; - Native field margin tree planting;
  - x2 areas of copse planting, to include large native oak trees;
  - 10.91ha of species-rich marshy grassland creation;
  - 5.99ha of species-rich tussocky meadow grassland creation, located around the Application Site in large areas of grassland fields margins surrounding the solar compartment fence-lines; and,
  - 1.08km of attenuation storage/hydraulic control areas; seeded with wetland meadow seed mixes

Significant biodiversity Net Gain is predicted (56.90%).

- 10.9. To ensure the net gain is achieved, the biodiversity management plan, and a scheme of monitoring will be conditioned.
- 10.10. Taking into consideration of the information received, and the lack of objection from any statutory consultee, the scheme is considered compliant with local and national policies relating to ecology and biodiversity.

## 11. Representations

- 11.1. The sections above deal with many of the concerns raised in the received representations. Only material planning considerations are taken into considerations.
- 11.2. A number of concerns are raised which relate to the consultation. This application was consulted on, then following amendments made to the site layout to increase the number of panels, was reconsulted on. A final consultation took place following the Council's receipt of independent landscape advice. A statement of community involvement is also provided by the applicants. Overall, it is considered that the consultation on this application is appropriate.
- 11.3. Representations note that the site is unsuitable for grazing, however, the applicants Biodiversity Management Plan indicates grazing by sheep will take place. Overall, the scheme is acceptable in this regard.
- 11.4. It is noted that the capacity of the solar farm is exaggerated, and other methods of energy generation would be preferable. Ultimately national and local policies support solar schemes as a renewable source of energy production. The scheme is acceptable in this regard.
- 11.5. This application does result in some landscape harm, however, there is no reason to suggest that this would significantly impact on the local tourism industry.
- 11.6. A condition will be applied limiting the scheme to 40 years, with the land returning to agriculture afterwards.

- 11.7. 3rd party representation raises concerns regarding working practices and the potential for 3rd party damage. 3rd party damage would be a civil matter, whilst working practices would be controlled via condition (CEMP, CMP, CDTM, and hours of operation).

## 12. Planning Balance/Conclusion

- 12.1. As set out in 3.2.8, there is some policy conflict relating to the landscape impacts of this scheme, including the landscape sensitivity of the site to large scale solar development. In the opinion of the planning officer, moderate weight should be given to these conflicts, bearing in mind that overall, there are not anticipated to be any 'significant adverse landscape or visual impacts' when considered as a whole. In addition, it is acknowledged that there will be less than substantial harm to the setting of some off-site heritage assets, which will need to be weighed up against the positives of the scheme. The positives of the scheme include the production of low carbon energy (significant), and a significant biodiversity net gain. In addition, there will be minor positives regarding surface water run-off. Neutral impacts include neighbouring amenity, highways, and security. In the opinion of the Planning Officer, whilst there is some harm identified, the positives arising from the scheme are considered to be significant and outweigh this harm, which is a material consideration. As a result, approval is recommended.

### Human rights

Consideration has been given to the Human Rights Act 1998.

### Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

### Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.  
  
Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.  
  
Reason: To ensure the development is carried out in accordance with the approved plans.
- 3 When the land ceases to be used as a photovoltaic park for renewable power production or at the end of the period of 40 years from the date of grid connection (such date to have been given to the Local Planning Authority within one month of grid connection) whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought onto the land in connection with the use shall be removed and the land restored to its previous state or as otherwise agreed, in accordance with details (including highways and construction management details) that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Decommissioning works shall be completed within a year of the last export from the site to the grid.

Reason: In order to protect the visual amenity and character of the surrounding countryside.

- 4 Prior to the development hereby permitted being brought into use, the SUDS/swales detailed in the submitted Flood Risk Assessment (October 2021) shall have been constructed/developed and shall be managed in accordance with the details within the same document thereafter.

Reason: To ensure the appropriate management of surface water

- 5 All electrical cabling between the solar panel rows and the on-site connection buildings shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition.

Reason: To limit the visual impact arising from the scheme.

- 6 Construction works and associated deliveries shall not take place other than between 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties

- 7 The rating level of noise emitted from the plant and equipment serving the solar farm shall not exceed 30 dB LAr,Tr, (as defined in BS 4142:2014+A1:2019) at any time when evaluated at the boundary of noise sensitive receptors. Noise levels shall be measured and rated in accordance with British Standard BS 4142:2014+A1:2019.

Reason: To protect the residential amenity of neighbouring properties

- 8 Within 28 days from the receipt of a written request from the local planning authority confirming that problems of glint are occurring (following a complaint to the local planning authority from the occupant of a dwelling which lawfully existed or had planning permission at the date of this consent), the solar array operator shall submit a scheme of measures to prevent further glint, for the approval of the Local Planning Authority. Within 48 days (or other timescale agreed with the LPA) of obtaining approval for the scheme, the solar array operator shall fully implement the scheme.

Reason: To protect the amenities of neighbouring properties.

- 9 Prior to the commencement of any development hereby granted planning permission and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby granted planning permission, a finalised Tree Protection Plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and the fencing shall be erected prior to the commencement of any of the development hereby permitted and shall be maintained until the development has been completed and all equipment, machinery and surplus materials have been removed from the site (or phase thereof).

Reason: To protect the trees to be retained on this site from damage before and during the course of development as per the submitted Arboricultural Impact Assessment.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.;

9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

REASON: To ensure safe and suitable access for all road users.

- 11 The development hereby permitted shall be carried out in accordance with the recommended mitigation and enhancement measures set out in the section 6 of the Environmental Statement (as revised), and any other relevant supporting documentation including the Biodiversity Management Plan (as revised).

Reason: To protect species and habitats on the site and for the enhancement of biodiversity on the site.

- 12 The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Mitigation Plan (as revised) and Landscape Strategy (as revised). All planting and mitigation/enhancement measures should be carried out within one year of any grid connection. To ensure the mitigation and enhancement measures are implemented and are effective, within the first year following the completion of the planting, followed by every five years thereafter for the lifetime of the development, a monitoring report (produced by a suitably qualified ecologist/individual) shall be submitted to the authority which shall be made available to the public. If the report indicates that the aims of the Biodiversity Mitigation Plan, or the biodiversity net gain estimate is not being achieved, then additional enhancement measures shall be submitted for approval along with said monitoring, and shall be implemented within one year of them being agreed.

Reason: To ensure the aims of the biodiversity mitigation and enhancement is achieved.

- 13 The CCTV cameras proposed as part of the approved development shall be angled into the site and such as to ensure that overlooking or a loss of privacy to neighbouring occupiers does not result.

Reason: To protect the amenities of neighbouring occupiers.

- 14 No external artificial lighting, with the exception of the proposed emergency and motion sensitive security lighting, shall be installed during the operation of the site as a solar PV facility without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the surrounding area and for ecological purposes.

15 Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP). The CEMP shall focus on any environmental factors/risks not covered by condition 10 which relates to construction management, and should include details such as but not limited to;

- Control of emissions
- Management of potential pollution
- Materials storage, including any hazardous material storage and removal.
- Lighting
- An ecological construction management plan.

Reason:

To limit any the impact of the construction works and protect ecology in accordance with ST14 and DM08 of the NDTLP.

16 The approved development shall be carried out in accordance with the details of the submitted Construction, Decommissioning and Traffic Management Method Statement, dated August 2021.

Reason: In the interests of residential amenity, highway safety and to prevent the risk of pollution.

## Plans Schedule

Reference	Received
GAMM_01	03.11.2021
GAMM_SLP_01	01.09.2021
P20-0920_01	01.09.2021
P20-0920_06 I	03.11.2021
UK_EPD_TLT	01.09.2021
UK_EPD_TFM	01.09.2021
UK_EPD_SWG	01.09.2021
UK_EPD_S40	01.09.2021
UK_EPD_RCS	01.09.2021
UK_EPD_MH/CB	01.09.2021
UK_EPD_INV	01.09.2021
UK_EPD_GTD	01.09.2021
UK_EPD_FNC	01.09.2021
UK_EPD_CSS	01.09.2021
UK_EPD_CAM	01.09.2021
UK_EPD_AUX	01.09.2021
UK_EPD_132KV+450	01.09.2021
PNL_4L-25-6665	01.09.2021
P20-0921_15	01.09.2021
P20-0921_05 A	03.11.2021