

# Application Report

Strategic Development & Planning  
Place Services  
North Devon Council  
Lynton House, Commercial Road,  
Barnstaple, EX31 1DG



<b>Application No:</b>	71708	<b>Application Expiry:</b>	21 April 2021
<b>Application Type:</b>	Full application	<b>Ext Of Time Expiry:</b>	21 April 2021
		<b>Publicity Expiry:</b>	19 November 2020
<b>Parish/Ward:</b>	Fremington/ Horwood Lovacott Newton Tracey/Fremington/Instow		
<b>Location:</b>	Land at Litchardon Cross Newton Tracey EX31 3QE		
<b>Proposal:</b>	Installation of solar farm and associated infrastructure (amended plans and additional details)		
<b>Agent:</b>	John Fairlie		
<b>Applicant:</b>	Aura		
<b>Planning Case Officer:</b>	Mr R. Bagley		
<b>Departure:</b>	Y		
<b>EIA Development:</b>	Y	<b>EIA Conclusion:</b>	An environment statement has been submitted.

**Decision Level/Reason for Report to Committee:** *At the request of Councillor Mackie and Councillor Biederman for the following reasons:*

- *Will the screening measures be adequate to protect the short and long term impact on the rural views of North Devon? This could affect Tourism.*
- *The application says that it can still be used for agricultural purposes but we need to be convinced this will be the case*
- *There will be significant impact in the construction phase of the site. Is there a safe and adequate site access that does not mean losing significant wildlife habitat.*
- *Given the importance of Old Bideford Road during rush hours, will this be the best way to access the site?*

*A solar farm of this scale should be seen to be democratically considered*

## **Site Description**

The Proposed solar development site is located on agricultural land approximately 1.5 km from Barnstaple (Roundswell), 1.9 km to the south of Fremington and approximately 1.6 km to the south west of the hamlet of Holmacott.

The A39 Link Road runs through the south west of the site. To the North West, at Collacott Farm, there is a 500 kW wind turbine, measuring 79 metres in height (Application ref: 54353) and an existing solar PV array (Application ref: 58715).

Within the boundary of the site, to the south west of Litchardon Farm there is an existing wind turbine measuring 79 metres high (Application ref: 56756). To the South West there is a smaller 34.2m high wind turbine. To the East are 2 existing pylon masts. To the South West of the site there is a landfill site. Existing electricity pylons are present within the site from North to South and to the East of the site. There are various smaller electricity and communication masts within and bounding the site.

The Old Bideford Road runs to the West of the site and various smaller single track rural roads run within and around the site. There are no Public Rights of Way (PROW) within the site but there are PROW in the vicinity of the site (Tawstock Footpath No 6, Horwood, Lovacott and Newton Tracey footpaths 6,47,48 and 49, Fremington footpath 44).

To the south west of the site is a County Wildlife Site (CWS) known as Kittymoor Brake which comprises a densely wooded area. The woodland extends to the South West of the site boundary. There are no known TPO designations within or adjoining the site. The site is not within a Site of Special Scientific Interest (SSSI) but is within the Zone of Influence for the Taw and Torridge Estuary to the North and North West.

There are no listed buildings within the site boundary, but there are a number of listed buildings within a 2km radius search of the site. These are discussed at the Heritage assessment of the report but the most immediate are: Orchard Farm to the West, Rookabear Cottage and Higher Rookabear to the North East and Pywell to the South West. The site is visible from a distance at the Scheduled Ancient Monument at the Codden Beacon, Bishops Tawton to the North.

There are a number of properties within the vicinity of the site. Of particular note are properties at Brookham, Higher Litchardon also comprising Meadow Cottage, Rose Cottage, Acorn Cottage and Fern Cottage, Greenfields and Voscombe near to Voscombe Cross, Huish Moor and Orchard Farm along Huish Moor Lane and properties at Holmacott.

The majority of the site is flood zone 1. There are sections of Flood Zone 2 and 3 land following 2 water courses running through the site. The site is also partly within the Critical Drainage Area (CDA)

The site comprises 61 ha of grade 3b and 4 agricultural pastureland which is used for agricultural grazing purposes. The wider Landscape Character Type is defined as LCT 3A: Upper Farmed and Wooded Valley Slopes as defined within the Joint North Devon and Torridge Landscape Character Assessment. The landform is relatively undulating with higher ground to the north of the site, and lower ground to the south. The lay of the

land forms a wide valley formation creating a 'bowl' effect whereby the ground level is predominantly screening in the wider landscape. Within the site the landform is split into larger and smaller sections of fields bounded by established hedgerows and trees and sections of tree copses. Elevated views of the site can be seen from raised ground to the south and south west.

### **Recommendation**

Approved

Legal Agreement Required:- No

### **Planning History**

<b>Planning</b>	<b>Decision</b>	<b>Decision Date</b>
<b>56433</b>	Approve Non-Material Amendment	14 October 2013
Address: Collacott Farm, Newton Tracey, Barnstaple, Devon, EX31 3QF		
Proposal: Application for a non-material amendment to planning permission 54353 in respect of re-siting of switchgear housing within red outline & amendment to size of switchgear housing		
<b>56704</b>	Full Planning Approval	28 January 2014
Address: Brookham, Newton Tracey, Barnstaple, Devon, EX31 3QE		
Proposal: Formation of new access & track		
<b>56756</b>	Full Planning Approval	5 June 2014
Address: Lower Litchardon Farm (Grid Ref 251089,129240), Newton Tracey, Barnstaple, Devon, EX31 3QE		
Proposal: Erection of one wind turbine (height 79m, height to hub 55m) together with accompanying access track, widening of existing farm entrance, crane hardstanding, electrical switchgear house with associated underground cabling & temporary construction compound (amended description)		
<b>58799</b>	Full Planning Approval	13 April 2015
Address: Lower Litchardon Farm, Newton Tracey, Barnstaple, Devon, EX31 3QE		
Proposal: installation of underground electricity cable between the wind turbine & point of connection to grid network		

## **Constraints/Planning Policy**

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Advert Control Area Area of Special Advert Control	Within constraint
Authorised Landfill Buffer	Within constraint
Burrington Radar Safeguard Area	Within constraint
Chivenor Safeguard Zone	Within constraint
Critical Drainage Area	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Minerals and Waste Consultation Zone: Waste Consultation Zone	Within constraint
USRN: 27502947 Road Class:C Ownership: Highway Authority	Within constraint
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Braunton Burrows Zone of Influence	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider	Within constraint
Within:Braunton Burrows, SAC 10KM Buffer	Within constraint
SSSI Impact Risk Consultation Area	Within constraint

- DM01 - Amenity Considerations
- 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
- ST07 - Spatial Development Strategy for Northern Devon's Rural Area
- ST10 - Transport Strategy
- ST11 - Delivering Employment and Economic Development
- ST13 - Sustainable Tourism
- ST14 - Enhancing Environmental Assets
- ST15 - Conserving Heritage Assets
- ST16 - Delivering Renewable Energy and Heat

## Consultees

Name	Comment
Ancient Monuments Society	No comments received
Arboricultural Officer  Reply Received 20 October 2020	<p>I have noted the comments of the sustainability officer who I would trust has advised generally on both LVIA and EclA matters arising from the proposal and I would concur that the LEMP provided is insufficiently detailed to be enforceable and generally inadequate in respect of our usual expectations for the content of a LEMP.</p> <p>I note the sustainability officer has provided a copy of a LEMP condition that sets out what is generally required and would trust that you are to seek further details and amendments in this regard.</p> <p>I would be happy to comment further on receipt of an appropriately detailed soft landscape proposal within a revised LEMP</p>
Arboricultural Officer  Reply Received 19 November 2020	<p>I've only had a cursory look at the draft LEMP but I'm concerned over lack of enforceable detail, i.e. no target condition for hedgerows (minimum height and width for hedgerows to be allowed to grow on to or future management prescriptions (are hedges to just be left to grow out or will they be subject to future pruning – and at what frequency? Etc)</p> <p>The tree planting specifications appear to have been copied and pasted from somewhere without particular reference to site conditions or local landscape character and its worrying to see species proposed that have not been commercially available for a number of years due to plant health restrictions.</p> <p>The number of bat/bird boxes seem relatively low and generic (i.e. if the grassland management prescriptions will favour kestrels/barn owls etc why is provision of nesting boxes not related to the bird species most likely to benefit from the environmental enhancements.)</p> <p>Whilst the LEMP needs to be sufficiently detailed to be enforceable for planning purposes it should also be sufficient to enable any future site maintenance manager/operative to have a clear understanding of the aims and objectives of the management and precisely what they are to achieve prescriptions and when through the management timetable (which also needs to reflect best practice – i.e. you would normally carry out tree establishment checks in the summer months when they are in leaf, to identify replacement numbers and organise nursery stock to enable the replacement planting in Nov/Feb)</p>

	<p>I would also suggest that the monitoring and review prescriptions need to be clear – what species or habitat conditions will be surveyed for and when will this be carried out?</p> <p>For such a large scale proposal I would expect a much higher quality submission in respect of the landscape and ecological management plan.</p> <p>(I also note that the ecologists are not using the DEFRA biodiversity metric which would be our usual expectation. If they were to use this I'm confident that they should be able to demonstrate a huge increase of biodiversity units, well over and above our policy expectations of a 10% net gain – is there any reason for not using the Defra metric?)</p>
<p>Arboricultural Officer</p> <p>Reply Received 2 March 2021</p>	<p>Just a quick note to confirm that I have reviewed the latest LEMP submission (Rev 4, provided yesterday) and I am content with the detail in terms of the soft landscaping and proposed land management specifications.</p> <p>I haven't reviewed the metric this time around, but trust that Mark will review the accuracy of any amendments within the metric to ensure consistency with the LEMP.</p> <p>Unless there are any specific soft landscape matters that you would like further input on I do not consider that I need to be consulted or involved in further discussion and will assume that subject to your being content with the proposal in terms of likely LVIA and EclA outcomes you will secure the implementation of the LEMP through imposing an appropriate condition as part of any planning consent.</p>
<p>Barnstaple Town Centre Manager</p>	<p>No comments received</p>
<p>Barnstaple Town Centre Manager</p> <p>Reply Received 14 August 2020</p>	<p>RECOMMEND: Approval subject to ensuring that construction traffic is proactively routed away from all residential areas within the wider Barnstaple area. The committee would like to give its support to this application for its contribution to the locality achieving its carbon neutral targets, they would also like to ask if there are opportunities for links to education providers for visits to the site.</p>
<p>Burrington Radar</p>	<p>No response – see NATS</p>
<p>Councillor F Biederman</p>	<p>I can confirm my support for this call in</p>

<p>Reply Received 18 September 2020</p>	
<p>Councillor J Mackie</p> <p>Reply Received 16 August 2020</p> <p>Edited</p>	<p>Here are some thoughts as a trade-off with the solar farm. Many of course will be irrelevant but you never know there could be a good one.</p> <ul style="list-style-type: none"> <li>*Surplus profits go to near neighbours or parishes.</li> <li>*Native hedges built rather than fencing.</li> <li>*Wild flower strips in between with bee keepers invited to place hives or a new bee school within the grounds</li> <li>*Educational eco-funding for all primary schools within the parishes - Lovacott Primary, Fremington, Roundswell, Instow, Fremington. I've got contacts.</li> <li>*Educational tours/guided walks/information boards/link to climate change education/carriers in science etc.</li> <li>*Local economy. Must use local contractors, staff to stay at local B&amp;Bs rather than chain hotels, catering brought in for contractors by local caterers. Renting of parking and storage areas from local farmers and near land owners to help pay back for disruption. BEC used as a storage area at a rent if all workers are not back from Covid measures.</li> <li>*An all-weather jogging/cross-country track around perimeter with a club set up specifically to engage with locals. A bit remote and not v sustainable.</li> <li>*An area of woodland set up for carbon storage</li> <li>*A "Man shed" and allotment area</li> <li>*A really good idea would be to get a cycle track constructed from the Tarka Trail all the way though to the site and then a circuit.</li> <li>*A donation proportional to population of eco money to spend in parishes. Guidance would be needed.</li> </ul>
<p>Councillor J Mackie</p> <p>Reply Received 17 September 2020</p>	<p>CALL-IN of application.</p> <p>We, Cllrs Jayne Mackie and Frank Biederman, wish to call-in this application due to the scale of its District-wide significance in terms of its potential impact on the countryside, tourism and the amenities of neighbouring properties.</p> <p>Will the screening measures be adequate to protect the short and long-term impact on the rural views of North Devon? This could affect tourism.</p> <p>The application says that it can still be used for agricultural purposes but we need to be convinced this will be the case.</p> <p>There will also be significant impact in the construction phase of the site, so is there a safe and adequate site access that does not mean losing significant wildlife habitats? Given the importance of the Old Bideford road during rush hours, will it be the best way to access it? At the very least, deliveries need to be made outside of the significant travel times.</p>

	<p>A solar farm on this scale should be seen to be democratically considered.</p>
<p>Councillor S Saxby</p>	<p>No comments received</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 7 October 2020</p>	<p>Having considered the highway matters as contained within the Planning Statement, including visibility provision at the various access points to the site, and traffic generation during construction and post-construction, there are no highway objections to the proposed development.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 21 August 2020</p>	<p>The site lies within a landscape where evidence for prehistoric occupation is recorded in the Devon Historic Environment Record. Within the proposed development site three independent geophysical surveys have identified anomalies of archaeological interest and are characteristic of prehistoric settlement in the form of a round house, enclosures and possible associated pits.</p> <p>Archaeological monitoring and recording carried out during groundworks associated with the construction of a single wind turbine on the southeast side of the site identified the remnant of a possible ring-gully along with the recovery of residual flints from another feature, confirming activity relating to prehistoric settlement on the site. Field systems of an unknown date have also been identified on the site but may well be prehistoric. Possible prehistoric settlement is also recorded in the surrounding landscape visible as crop mark enclosures identified through aerial imagery. Also, field name evidence documented in the mid-19th century Fremington tithe apportionment records two fields named 'Berry', this element of a field name can be indicative of nearby 'defended' early settlement. Field name evidence in the northernmost part of the site may also suggest a medieval windmill was once located in the vicinity.</p> <p>The Environmental Statement, specifically, Chapter 12, Archaeology and Cultural Heritage, submitted in support of the planning application demonstrates through previous archaeological investigation (Geophysical Survey and Monitoring and Recording), the high potential for the site to contain prehistoric remains. However, without undertaking intrusive archaeological investigations, this previous work is not sufficient to enable an understanding of the significance of the heritage assets that will be affected by the proposed construction methodology of the solar photovoltaic panels and associated works within the application area, nor the impact of the proposed development upon these.</p> <p>Given the potential for survival and significance of below ground archaeological deposits associated with prehistoric occupation and</p>

	<p>the absence of sufficient archaeological information, the Historic Environment Team would advise that the proposed development was amended to minimise or remove any below-ground disturbance through the use of surface mounted concrete "foundations" for the solar arrays and associated works substation and 23 transformers (offloaded in situ, Foundation concrete for transformers, spare part containers and connection compound units.), and associated infrastructure with above-ground routing of cables.</p> <p>If mitigation by design is not possible then, because of the potential for the site to contain below ground archaeological deposits, of unknown significance, associated with the known prehistoric activity and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 189 and 199 of the National Planning Policy Framework (2019).</p> <p>The additional information required to be provided by the applicant would be the results of a programme of field evaluation to investigate any anomalies identified by the geophysical survey and areas that may show as 'blank', as this technique does not always identify the smaller archaeological features such as burials, post holes etc.</p> <p>The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 24 September 2020</p>	<p>I noted the mitigation options suggested in the areas of greatest archaeological potential, which were identified by the geophysical survey. However, this geophysical survey cannot show how close to the surface any archaeological features are and it is therefore unknown if the mitigation proposal will have an impact or not, for example due to compaction from the concrete footings and construction traffic or rutting by vehicle movement during construction. The full archaeological potential of the site cannot be understood using this non-intrusive method of investigation. As indicated in the geophysical survey, magnetic activity may mask archaeological features and also, it is not yet known what many of the anomalies are, such as those located near enclosures and if they are associated or not.</p>

	<p>Without undertaking intrusive investigations, the effectiveness of the geophysical survey cannot be determined, therefore I would reiterate the HETs requirement that a field evaluation is required to support this planning application. The results of the field evaluation will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by North Devon Council. This would be in accordance with Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 189 and 199 of the National Planning Policy Framework (2019).</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 3 December 2020</p>	<p>I can confirm that the programme of archaeological works as described in the Written Scheme of Investigation (WSI) prepared by Foundations Archaeology (document ref: LNT20/fa.doc1.1 and dated: 02/11/2020), and submitted in support of this planning application is acceptable to the Historic Environment Team. One minor comment is the omission of the Museum reference number. If waiting for a museum to respond 'pending' could be used.</p> <p>The acceptance of the WSI by this office does not represent the discharge of any archaeological condition that may be applied to any consent granted.</p> <p>If the WSI is being submitted in support of a planning application or to discharge a condition then the WSI needs to be submitted, either by the applicant or their agent, to the Local Planning Authority (LPA) for their formal approval and, if required, to enable them to discharge the condition prior to any development commencing on site. The applicant should ensure that the archaeological works are implemented as described in order to avoid breach of the Condition.</p>
<p>DCC - Historic Environment Team</p> <p>Reply Received 18 March 2021</p>	<p>The Historic Environment Team have received the report setting out the results of the archaeological investigations undertaken in support of this planning application. The scope of this work was previously agreed with this office and has demonstrated the archaeological potential of the site with regard to prehistoric and Romano-British activity within the proposed development site. Prehistoric activity is indicated by features within trenches 28-29, which include a possible ring ditch that may indicate the presence of prehistoric settlement or funerary activity here. Linear features and a large amount of pottery recovered from trench 30 suggests Romano-British activity in the area. The results of these investigations indicate that the fields had been subject to truncation by ploughing and that the features revealed will be the bases of the more substantial archaeological features that have survived this process.</p>

The Historic Environment Team do not consider that the significance of these heritage assets is such that they require preservation in situ. However, the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2019), that any consent your Authority may be minded to issue should carry the condition as worded based on model Condition 55 as set out in Appendix A of Circular 11/95.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, consisting of:

(i) the excavation of a series of further evaluative trenches that could not be carried out prior to determination of the planning application due to bad weather conditions. This second phase of archaeological investigations will determine the presence and significance of any heritage assets with archaeological interest in areas not already investigated on the results of the additional field work the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits, and

(ii) The archaeological excavation (archaeological strip, map and recording) in the areas of trenches 28-30 to ensure an

	<p>appropriate record is made of the known prehistoric and Romano-British heritage assets with archaeological interest prior to their destruction by the proposed development and</p> <p>The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 17 August 2020</p>	<p>The applicant has proposed to manage surface water within the site via 'scrapes' and 'swales'. The scrapes are proposed to be 200mm deep by 500mm wide and the swales are proposed to be 300mm deep by 2900mm wide.</p> <p>The applicant should clarify the locations and extents of the scrapes and swales. Some areas of the site appear to drain away from the scrapes and swales, and in some cases will flow directly to watercourses.</p> <p>The applicant should clarify the proposed formation of the scrapes and swales. For example, will they be seeded? The applicant should also confirm whether features such as check dams are proposed to slow the flow of water within the scrapes and swales. The applicant should clarify the formation of the maintenance roads within the site. It is noted within section 9.84 of the Environmental Statement that they will be pervious, however, no details of the roads or their locations are given.</p> <p>The applicant should clarify the inclusion of pipe network details within the maintenance schedule (contained within Appendix 9.4 of the Environmental Statement), it is not clear that pipes are proposed within the surface water drainage system for this site.</p> <p>An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found on the <a href="#">Devon County website</a></p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 3 December 2020</p>	<p>Recommendation: Condition 19</p> <p>Observations: Following my previous consultation response FRM/ND/71708/2020, dated 17.08.2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.</p>

	<p>- Flood Risk &amp; Surface Water Strategy Addendum A, dated 23 November 2020, Installation of solar farm and associated infrastructure. Land at Litchardon Cross, Newton Tracey, EX31 3QE</p> <p>Part of the site lies within a Critical Drainage Area, so surface water runoff needs to be managed appropriately in the proposed swales and scrapes which will provide attenuation of the runoff prior to discharge. Consideration should be given to the use of check dams within the swales if appropriate.</p> <p>Access to the ordinary watercourses for maintenance should be considered so sufficient space is set aside for maintenance activities. Please note that any new connection into an ordinary watercourse may require Land Drainage Consent from the DCC Flood &amp; Coastal Risk Management Team.</p>
<p>DCC - Public Rights Of Way</p> <p>Reply Received 30 July 2020</p>	<p>It would appear that the application will have no direct affect on the Public Rights of Way network in the vicinity. However, though Devon County Council recognises the importance of sustainable energy and the need to reduce the global carbon footprint, there are also underlying local issues to take into account. There could be a detrimental effect for the local and wider Rights of Way network and the enjoyment of walkers, if such a development went ahead. We would therefore ask that the applicant be made aware and that due care be given to the visual impact such a large development might have within this rural and well walked area.</p>
<p>Defence Estates Air Safeguarding</p>	<p>No response – see NATS</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 14 August 2020</p>	<p>I note the site boundary fence, described as a 'deer style' fence, does the fencing comply with any recognised security standards? The various compound security fencing proposals and specifications are also noted.</p> <p>Within the application form and the Environmental Statement the provision of CCTV is proposed, which is supported. However, I can find no details of what form this may take or how, for example pole mounted cameras, and where it is proposed to be installed. Therefore clarification on this part of the application is sought. CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of culprits once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the site. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an</p>

	<p>overall security plan. To be most effective the CCTV should employ a system which reacts to any unusual or inappropriate movement to enable live monitoring. For information, the following advice is also given regarding CCTV systems. 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. I would advise that any system installed has further capacity built in to allow further cameras to be added at a later stage if desired/required. Cameras, wiring and recording or monitoring equipment should be secured. CCTV should be designed in co-ordination with external lighting and landscaping to prevent interference and blind spots. Recorded images must be of evidential quality if intended for prosecution. Any CCTV is advised to be installed to BS EN 50132-7: CCTV surveillance systems for use in security applications. CCTV systems may have to be registered with the Information Commissioners Office (IOC) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via <a href="http://www.ico.gov.uk">www.ico.gov.uk</a> For guidance, see also BS 7958:2015, which provides recommendations for the management and operation of CCTV within controlled environments where data, which might later be offered as evidence, is received, stored, reviewed or analysed.</p> <p>The proposed buildings within the compounds, should where appropriate have robust external doors/windows, advised to meet an appropriate security standard such as PAS24:2016, LPS 1175 or equivalent.</p> <p>The buildings are also strongly advised to incorporate an intruder alarm ideally monitored and compliant with current National Police Chiefs Councils current guidance.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 27 October 2020</p>	<p>Thank you for this application and further information regarding CCTV which is noted.</p>
<p>Devon Wildlife Trust</p>	<p>No comments received</p>
<p>Environment Agency</p> <p>Reply Received 5 August 2020</p>	<p>We do not have any specific comment to make but refer to the following guidance.</p> <p>Advice to LPA - Flood Risk Assessment (FRA) The application site lies within Flood Zone 1 defined as having a low probability of flooding. Footnote 50 of paragraph 163 of the NPPF requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development on this scale is proposed in such locations. An FRA is vital if the local planning</p>

	<p>authority is to make informed planning decisions. The solar panels will drain to the existing ground and therefore this should not be an onerous requirement. On sloping sites the concentration of run-off from solar panels could lead to run-off from the site caused by the formation of gulying. This is more likely where the underlying soils are not naturally free draining, the site is steep and the arrays are installed up-and-down the slope, rather than along the contours. To overcome this, simple SUDS drainage techniques should be adopted, such as shallow swales or infiltration trenches. These should aim to disperse the run-off at regular intervals to allow it to soak into the natural ground and prevent drainage paths forming straight down the slope. To avoid the concentration of flows, these should not necessarily be linked through the site but could be a series of short, contoured features.</p> <p><b>Access tracks</b> Where access tracks need to be provided, permeable tracks should be used, and localised SUDS such as swales and infiltration trenches should be used to control any surface water run-off. The applicant should be aware that if suitable controlled wastes such as subsoils, shillet, bricks, tiles, concrete are to be used in the construction of the access track and the hardstandings then a U1 exemption will need to be registered with us before the use of any such waste is authorised. Further information can be found on our <a href="#">website</a></p> <p>Given the temporary nature of solar PV, the site should be configured or selected to avoid the need to impact on existing drainage systems and watercourses. Culverting existing watercourses/drainage ditches should be avoided. Where culverting for access is unavoidable, it should be demonstrated that no reasonable alternatives exist and where necessary only temporarily for the construction period.</p> <p><b>Pollution control: Soil stripping, storage and placement</b> All works should be undertaken in accordance with our Pollution Prevention Guidelines, PPG1, PPG5 and PPG6. It must be ensured that soil is stored so as not to cause pollution of controlled waters. Copies of these and other PPGs can be viewed on our <a href="#">website</a>:</p>
<p>Environmental Health Manager</p> <p>Reply received 3<sup>rd</sup> August 2020</p>	<p>I have reviewed this application in relation to Environmental Protection matters and comment as follows:</p> <p><b>1 Glint and Glare</b> I have reviewed the Pager Power Glint and Glare Assessment report dated May 2020. The report identifies a number of potential impacts affecting dwellings in the locality and road users on the A39 highway. The report describes various mitigation options at section 7 .3 to address the relevant identified impacts.</p>

	<p>I recommend any permission include a condition requiring the submission of a Glint and Glare mitigation scheme to address the findings of the Pager Power assessment. The scheme should describe details of proposed mitigation measures and include a procedure for addressing any unexpected glint and glare impacts that come to light once the development becomes operational where such impacts are confirmed as being significant in writing by the LP A.</p> <p>2 Operational Noise Chapter 13 of the Environmental Statement concerns noise and refers to a Hayes McKenzie Noise Impact Assessment. I would wish to review the original assessment report prior to commenting on noise issues but could not find the report in the Appendices.</p> <p>3 Construction Phase Impacts In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the CEMP condition be imposed</p> <p>4 Land Contamination I do not expect land contamination issues to arise in relation to the proposals. However, given the large area of land involved and the need for certain ground works, I recommend the unexpected contamination condition be imposed on any permission to cover the possibility that unexpected contamination is discovered during development work:</p>
<p>Environmental Health Manager</p> <p>Reply Received 18 September 2020</p>	<p>I am happy with the amended Noise condition wording proposed in Claire's email of 17 September:</p> <p>Condition 18</p>
<p>Environmental Health Manager</p> <p>Reply Received 27 October 2020</p>	<p>I have reviewed the amended information for this application in relation to Environmental Protection matters and refer you to my previous comments of 4 August, 16 September and 18 September 2020.</p> <p>I note the Engena "Clarifications" letter dated 13 October 2020 includes clarifications in relation to my previous comments. The letter confirms that the Applicant accepts the recommendations I have made and agrees that suitable planning conditions can be agreed as relevant.</p> <p>I have nothing to add to my previous comments, which stand.</p>
<p>Fremington Parish Council</p>	<p>It was resolved, with three votes to the contrary, to recommend APPROVAL subject to adequate planting to protect the immediate</p>

<p>Reply Received 9 September 2020</p>	<p>and wider landscape, an adequate disposal plan for the panels once they reach the end of their lifespan, strict conditions of works to prevent conflict with the rush hour traffic and minimise the impact on residents, the most suitable access route to the site is to be sort and a Section 106 contribution to address the access and highway issues obtained. The Parish Council would also like to ensure that the Planning Officer is content that the proposal will not mean the long-term loss of arable land.</p>
<p>Fremington Parish Council</p> <p>Reply Received 4 November 2020</p>	<p>It was resolved, with one vote to the contrary and one abstention, to recommend APPROVAL subject to adequate planting to protect the immediate and wider landscape, an adequate disposal plan for the panels once they reach the end of their lifespan, strict conditions of works to prevent conflict with the rush hour traffic and minimise the impact on residents, the most suitable access route to the site is to be sort and a Section 106 contribution to address the access and highway issues obtained. The Parish Council would also like to ensure that the Planning Officer is content that the proposal will not mean the long-term loss of arable land.</p>
<p>Heritage &amp; Conservation Officer</p> <p>Reply Received 27 August 2020</p>	<p>The proposed solar farm will not directly impact the fabric of any designated heritage assets. The nearest listed buildings are at Rookabear, to the north, and Pyewell, to the south. Given the local topography, it is unlikely that there will be obvious intervisibility between the listed buildings and the solar farm.</p> <p>This is not to say that the settings of these, and other heritage assets, will be unaffected.</p> <p>Setting is defined as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve." (NPPF Annex 2). The solar farm is large, and though parts of it will be screened by vegetation, other parts will be visible from surrounding land, in some cases from some distance away. An awareness of its presence when travelling through the landscape is inevitable, and this will form part of the context in which many heritage assets within the wider locality are experienced, whether there is intervisibility or not. The solar farm, by its extent, form and appearance, is not a feature which would typically be found within the setting of heritage assets, and would effect a change, rather than preserving, the settings.</p> <p>It is possible that a degree of less than substantial harm to the significance of the heritage assets would result from the development, and therefore under the terms of paragraph 196 of the NPPF, the public benefits of the proposals would need to be weighed in the balance when a decision is made. It is likely that landscape effects would be a larger factor, when weighing this proposal, and I would suggest that effects on the built heritage</p>

	would be better incorporated into that evaluation, rather than as a stand-alone issue.
Heritage & Conservation Officer  Reply Received 11 November 2020	No further observations.
Historic England  Reply Received 14 August 2020	<p>Thank you for your letter of 28 July 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p> <p>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.</p>
Horwood, Lovacott & Newton Tracey Parish Council  Reply Received 18 August 2020	<p>Horwood Lovacott and Newton Tracey Parish Council held a Zoom meeting to consider this application where members of the public were present to give their views and a representative from Aura Power, the developer.</p> <p>The Aura Power representative was given the opportunity to give details of the proposal after which there were questions from Councillors and members of the public.</p> <p>Residents had the opportunity to speak and one resident had previously sent comprehensive reasons against the Application.</p> <p>The Parish Council noted that 21 fields were involved in the development and the developer has stated that their proposal is in a landscape bowl. It was noted that this area spills over any bowl there may be for the majority of it and that as a consequence, the solar farm would be able to be seen from a wide reaching area.</p> <p>Horwood Lovacott and Newton Tracey Parish Council's response is to recommend that reconsideration is given regarding the solar panels specifically outside of the landscape bowl.</p>
Horwood, Lovacott & Newton Tracey Parish Council	Horwood Lovacott and Newton Tracey Parish Council reiterate its comments from the previous Application and have nothing further to add.

Reply Received 11 November 2020	
National Air Traffic Services  Reply Received 29 July 2020 & 20 October 2020	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.</p>
Natural England  Reply Received 14 August 2020	<p>Thank you for your consultation email dated and received on 28 July 2020 relating to the above proposal. Based on the information provided we have the following comments.</p> <p><b>Climate Change</b> 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.</p> <p><b>Designated sites</b> The development site is within 3km 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 <a href="http://www.magic.gov.uk">www.magic.gov.uk</a> 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 Zone2 (IRZ) for the Taw Torridge Estuary SSSI for 'solar schemes with a footprint greater than 0.5ha'.</p> <p>It is our advice, on the basis of the material supplied with the consultation that, in so far as statutory designated sites are concerned, there are no significant impacts identified and Natural England therefore does not object.</p> <p><b>Protected Landscapes</b> The proposed development is for a site within 5km of the North Devon Area of Outstanding Natural Beauty (AONB) 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</p>

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

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan or appropriate saved policies. We note that you have consulted the North Devon AONB Partnership but they have yet to comment. They will have knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, which will be a valuable contribution to the planning decision. 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.

All proposals should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment and the policies protecting landscape character in your local plan in determining the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The North Devon District guidance document 'An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in North Devon District (LUC 2014)' suggests that the Landscape Character Type LCT3A: Upper Farmed and Woodland Valley Slopes has a high landscape sensitivity for very large (>15ha) solar pv developments and outlines out a set of principles to follow.

Section 4.13 states 'For solar PV development the guidance for development included for each LCT suggests that, generally, the most suitable forms of solar PV development will be those of up to 10 hectares in size located in more enclosed areas and on lower slopes, avoiding highly visible slopes.

Existing screening features should be used to screen these developments and the overall aim should be to make sure that

solar PV developments do not become a key characteristic of the landscape of the LCT or have a defining influence on the overall experience of the landscape of the landscapes of North Devon'. You may also find useful the Devon Landscape Policy Group Advice Note No. 2: 'Accommodating Wind and Solar PV Developments in Devon's Landscape' particularly with reference to cumulative impacts and siting and design.

#### Biodiversity net gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the revised NPPF3 (2019), the Defra 25 year Environment Plan<sup>4</sup> and the Environment Bill<sup>5</sup>. Policy ST14 of the Joint Torridge and North Devon Local Plan (JLP) 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 175 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.

The documents indicate that 9.5ha of wildflower meadow and native tree planting will be secured via a biodiversity management plan.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions<sup>6</sup> (under Section 40 NERC Act, 2006). Biodiversity metrics<sup>7</sup> are available to assist developers and local authorities in quantifying and securing net gain. The Environment Bill currently proposes that development should achieve a 10% net gain.

Natural England's Technical Information Note Solar parks: maximising environmental benefits (TIN101)<sup>8</sup> 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'<sup>9</sup> Consideration could be given to the use of SuDS features in managing surface water run-off from the panels to prevent soil erosion and we note that features such as scrapes and swales are proposed and that the EA has provide design advice on implementing these features.

Our advice is that any mitigation, biodiversity net gain or enhancement measures are secured through a conditioned Landscape and Environmental Management Plan (LEMP). 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.

#### Soil and land quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (BMV) (paragraph 112 of the National Planning Policy Framework).

The soil and agricultural land quality survey (Appendix 4.1 Land Research Associates April 2019) indicates that the land affected is predominantly Grade 3b with some Grade 4 and not therefore BMV agricultural land.

The submitted documents indicate substructure options are piling or concrete block foundations (Fig 6.2 panel substructure options). Panel arrays mounted on steel posts driven into the ground are preferable in that no substantial areas of concrete construction would be required, with the exception of foundations for, for example, inverters and sub-station buildings meaning that the panel arrays could be removed when planning permission expired with no likely permanent loss of agricultural land in the long term. Whilst soil would be disturbed in some parts of the site through the construction of the switch station and access tracks and installing of buried cables this equates to a relatively small area and much of the soil disturbance is likely to be reversible during decommissioning.

Based on the information provided, the agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep and that the land would be restored to full agricultural when planning permission expired (approximately 35 years).

Guidance in relation to agricultural land quality and soils is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and we recommend that this is followed.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance. We would also advise your authority to apply conditions to secure appropriate agricultural land management during the lifetime of the development and to require the site to be decommissioned and restored to its former condition when planning permission expires.

	<p>Local sites and priority habitats and species</p> <p>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).</p> <p>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<sup>10</sup>. Consideration should be given to how any loss will be avoided, mitigated or compensated. Rights of Way, Access land, Coastal access and National Trails Paragraph 98 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website <a href="http://www.nationaltrail.co.uk">www.nationaltrail.co.uk</a> provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.</p> <p>Protected Species</p> <p>We have not assessed this application and associated documents for impacts on protected species.</p> <p>Natural England has produced standing advice<sup>11</sup> 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<sup>12</sup>. 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.</p> <p>Where security fencing is proposed it should be permeable to allow the continued movement of species through the wider landscape e.g. the inclusion of appropriately sited badger gates.</p> <p>.</p>
<p>Natural England Reply Received 5 November 2020</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our letter dated 14 August 2020. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p>

<p>North Devon AONB Service</p> <p>Reply Received 10 September 2020</p>	<p>Thank you for your email. I write to advise that we do not intend to comment on this application.</p> <p>The development, though very large is located far enough away from the designated AONB (more than 5 km and 10 km from key viewpoints on Saunton Down ) so as not to have a significant effect on the setting of the North Devon AONB</p>
<p>North Devon Archaeological Society</p> <p>Reply Received 3 August 2020</p>	<p>Having read the documents accompanying the planning application and, in particular, Chapter 12 of the Environmental Impact Assessment, the Society wishes to comment as follows.</p> <p>The Society notes the Archaeology and Cultural Heritage assessment that has been carried out by Orion Heritage Ltd. This appears to be a comprehensive piece of work. Much of its findings accord with the Society's own experiences and its knowledge of other archaeological assessments carried out in the vicinity, many of which are held on the Archaeological Data Services (ADS) website.</p> <p>The area of the application is typical of the landscape to the south of Fremington (and much of North Devon) in having the character, principally, of a post-mediaeval enclosure landscape. Nevertheless, beneath this there is evidence of prehistoric settlement around the area. The assessment indicated that this is likely to be the case on the three southern fields comprising the application site, as well as in other locations within the site. The Society notes that the assessment sets out three options for minimising the impact of the proposed development on the archaeological resource. These are:</p> <ul style="list-style-type: none"> <li>• Exclusion of the area (of the southern fields) from the development</li> <li>• Use of specialist foundations, such as concrete feet, and</li> <li>• A programme of archaeological works</li> </ul> <p>Clearly the Society would prefer the development to avoid the areas of the site with the greatest archaeological potential. If that is not to be the case, then the Society would expect a written scheme of archaeological investigation covering the whole site, comprising as a minimum a programme of archaeological evaluation for the southern fields and a watching brief for the remainder of the site, to be a requirement of any planning permission. The Society would welcome the opportunity to make further representations if that is not to be the case.</p>
<p>Planning Policy Unit</p>	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material</p>

<p>Reply Received 10 September 2020</p>	<p>considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions.</p> <p>Policy ST16(3) will support renewable and low carbon energy and heat generating development (other than wind energy) will be supported in the landscape character types subject to proposals meeting the stated criteria (a to c).</p> <p>The site is within the landscape character type 3A - Upper Farmed and Wooded Valley Slopes where the overall strategy is 'to protect the landscape's strong rural character and historic sense of place. The farmed landscape comprises a rich mosaic of fields bounded by an intact network of species-rich Devon hedges. Valued farmland and woodland habitats are managed and extended, with opportunities for Green Infrastructure links to settlements pursued'. This should be achieved through the 'protection of important views to and from the hills across the surrounding landscapes' by way of 'avoiding the location of skyline development which would detract from landmark church towers'. You must therefore ensure the development is confined to the lower slopes and is not visually prominent in the wider landscape in accordance with Policies ST16 and DM08A(1).</p> <p>If you are minded to support the proposal then as set out in paragraph 6.5 of the Local Plan, 'all development will be expected to provide a net gain in biodiversity where feasible. Where biodiversity assets cannot be retained or enhanced on site, the Councils will support 'biodiversity offsetting' to deliver a net gain in bio-diversity off-site'. If there is some loss of existing habitat then this should be mitigated against by providing additional planting on or off site. The Defra metric should be used to ensure there is an overall net gain in biodiversity. All issues around ecology should be considered against ST14 and DM08.</p>
<p>Planning Policy Unit</p> <p>Reply Received 22 October 2020</p>	<p>From a policy perspective, I do not wish to add any further comment to those set out in my previous response dated 10th September 2020.</p>
<p>Planning, Transportation &amp; Environment</p> <p>Reply Received 29 July 2020</p>	<p>I am responding to the above application in the County Council's role as Waste Planning Authority. As noted within the supporting statement, Holmacott landfill site is located in close proximity to the south west of the proposal site. This landfill site is of strategic importance being the only inert landfill site serving northern Devon and as such is protected by Policy W10: Protection of Waste</p>

	<p>Management Capacity of the Devon Waste Plan. Operations at the landfill site include screening/crushing and tipping of inert waste. As such, a level of dust is generated from this process and whilst measures are in place to control this, we advise the applicant to satisfy themselves that the proximity to the waste site will not cause them any operational problems.</p>
Ramblers Association	No comments received.
Royal Society For The Protection Of Birds	No comments received
Secretary of State	No comments received
South West Water Reply Received 28 July 2020	I refer to the above application and would advise that Whilst South West Water has no objection public trunk water mains run within the site as shown on the attached and no building/structures or alterations to ground cover will be permitted within 3.5m of them.
South West Water Reply Received 30 October 2020	I refer to the above and would advise that South West Water has no further comments to those already given.
Sustainability Officer Reply Received 30 July 2020	<p>Clearly there is a huge amount of information to wade through and having skimmed through it looks relatively complete. However, it does seem that there is a significant omission in the form of a LEMP and detailed landscaping proposals / planting specifications, etc. Both ecological and landscape assessments identify the need for new planting and enhancement to existing habitats and screening which currently isnt substantiated.</p> <p>All proposals for habitat mitigation and enhancement should also be informed by a net gain metric which is also absent from the current EIA. This should include the loss of land to facilitate site infrastructure and access, but also the change in habitat composition due to the array itself.</p> <p>Having now reviewed the EIA the section on ecology appears to be relatively complete in terms of the assessment of impacts on protected species and habitats. Clearly the vast majority of the site results in a change in composition of habitat, for example from grassland to meadow. The proposal looks to utilise existing field layouts and access, and limits habitat loss and the introduction of security lighting and fencing to a minimum. Having said that I have particular concerns with the use of concrete pads for the solar</p>

	<p>panel footings, and the suggestion that these will be left in the ground post decommission. There are numerous different methods of anchoring solar arrays and the current EIA does not appear to provide sufficient justification for the use of concrete footings in favour of less damaging alternatives.</p> <p>The ecology assessment appears largely predicated on the mandatory requirement to identify impacts on protected species. There is currently no consideration of the requirement for the proposed development to deliver a net gain for biodiversity. A net gain assessment using Defra Metric 2.0 should be undertaken for the existing site baseline and all components of the proposed development, including substation infrastructure, work areas, access and array footings. The results of the net gain assessment should be read alongside the EIA Ecology and Landscape recommendations and used to inform detailed landscaping proposals for the entire site, including any additional offsite enhancements which maybe required. An example of the Defra metric being applied to large scale solar development can be found here  <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-001136-CHSP%20-%202012.5.8%20Biodiversity%20Metrics%202.0.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010085/EN010085-001136-CHSP%20-%202012.5.8%20Biodiversity%20Metrics%202.0.pdf</a></p> <p>I would suggest that a Landscape and Ecological Management Plan (LEMP) be submitted which has been informed by the Defra metric and the requirement to achieve 10% gain in biodiversity. The LEMP should demonstrate delivery of all recommendations derived from the EIA and be accompanied by a landscaping proposals and planting specifications for all elements of the site.</p> <p>I would also suggest that a statement be submitted setting out the process for establishing a Solar Community Fund which will seek to support community projects in the local area throughout the lifetime of the array.</p>
<p>Sustainability Officer</p> <p>Reply Received 29 October 2020</p>	<p>The submitted LEMP and Biodiversity Metric Letter are supported in principle and certainly provide additional clarity to the original submission. However, I still feel that a full, working and transparent Defra metric 2 assessment should be submitted allowing the LPA to fully assess the calculations and the process undertaken. This is common practice for major development. The LEMP also falls significantly short on detail and would not meet the requirements of our standard LEMP condition. The LEMP should be revised to include the highlighted elements of the standard condition as a minimum.</p> <p>The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its</p>

	<p>delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the scheme. The development shall be implemented in accordance with the approved details.</p> <p>I also feel the Mitigation Proposals Plan included in the LEMP and Metric Letter remains insufficiently detailed. I would anticipate a full Landscaping Plan complete with detailed planting specifications for allelements of the proposal as informed by the metric. Currently the Mitigation Proposals Plan is indicative and when read alongside the LEMP provides no means of securing specific mitigation proposals throughout the site.</p>
<p>Sustainability Officer</p> <p>Reply Received 4 March 2021</p>	<p>I have now reviewed the latest LEMP (v04) and the detailed Site Plans and I am content with the level of detail provided in response to issues raised on 25th Feb 2021. The detailed contained is considered sufficient to secure and monitor the delivery of a net gain for biodiversity as set out in the Biodiversity Metric.</p> <p>If you are minded to recommend approval, I would suggest that a detailed Construction Environmental Management Plan (CEMP) be secured through a suitably worded condition to ensure that construction impacts associated with lighting, noise, compaction, encroachment, etc on existing habitats is appropriately controlled.</p>
<p>The Barn Owl Trust</p> <p>Reply Received 14 August 2020</p>	<p>The closest Barn Owl nest site record we have is 1.5 km from the edge of where the panels will be. That was in 2003 and more recent records are further away. Therefore, we have no evidence that the development project will impact directly on any nest site. The impact on, mitigation for, or enhancement of Barn Owl foraging habitat within the development area is highly relevant. Because the home range of Barn Owls is large (up to 7,000 ha), some areas that are within the proposed development would certainly be used by owls if the land is suitably managed. The vegetation below and around the solar panel arrays should be allowed to develop into rough, tussocky grassland, with a litter-layer not less than 7 cm deep. This would be best achieved with low-density grazing by sheep. Alternatively, if the grass were cut mechanically then the first 13 cm of the sward should be left intact.</p> <p>The Barn Owl Trust strongly supports well-planned schemes that address climate change. If the above recommendations on habitat management are implemented, then the solar farm proposed at Litchardon Cross represents a win-win situation for wildlife conservation and reducing greenhouse gas emissions.</p>
<p>The Biosphere Service</p>	<p>No comments received</p>

The Caravan Club	No comments received
The Council for British Archaeology	No comments received
The Woodland Trust  Reply Received 27 August 2020	<p>The Woodland Trust would like to advise that there is an area of woodland adjacent to the proposed site boundary known as Kittymoor Brake (grid reference: SS5073529659) which is visible on the 1st Edition OS mapping and has been continually present to date. Therefore, we recommend that the applicants begin a discussion with Natural England to confirm that Kittymoor Brake is not an area of unmapped ancient woodland.</p> <p>We notes that the applicants will be adhering to the BS 5837:2012 with respect to woods, trees and hedges on site, but as both ancient woodland and Natural England's Standing Advice are material planning considerations, a larger buffer zone would be required if the woodland is designated on the Ancient Woodland Inventory.</p>
Torrige District Council  Reply Received 12 November 2020	<p>After assessing the application, Torrige District Council Planning Department wish to express they have no observation to make. 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.</p>
Western Power Distribution	No comments received

## **Neighbours**

At the pre-application stage the applicants have carried out the following public consultation exercise:

- Creation of a project website (<https://www.aurapower.co.uk/litchardon-cross-solar-farm/>)
- Distribution of leaflets to approx. 350 houses in the vicinity of the proposal advising of the scheme and of a Public Consultation Event to be held in January 2019 (Volume 2 appendix 5 part 4)
- A notice advertising the development was placed in the North Devon Gazette
- The applicants undertook a Public Consultation event on 16th January 2020 (feedback is at ES Chapter 5 Volume 2 of the submission).

Comments	No Objection	Object	Petition	No. Signatures
<u>4</u>	<u>46</u>	<u>56</u>	<u>0.00</u>	<u>0.00</u>

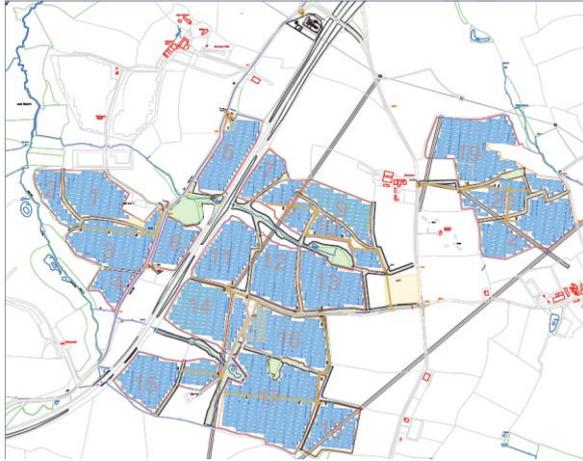
## Summary of objections:

- Impact on landscape from size, scale, massing of development.
- Loss of predominantly rural landscape representing a significant cumulative impact and industrialisation of the landscape.
- Change to rural landscape which visitors expect to see unchanged. Adverse impact on tourism 'Driving tourists away'.
- Too large to fit into the hilly area of countryside
- Size of development is inappropriate for the Devon Landscape
- Impact on hedgerows.
- Loss of vegetation within the site.
- The scheme provides no useful screening and is visible
- New trees will take years to establish and will not provide adequate screening of the site, especially on southern slopes.
- The proposal is dangerous to bats and birds and to the environment.
- Why is the scale of the solar farm necessary? Smaller solar farms in more suitable areas.
- Other sites (Gammaton Moor, Hollamoor) have been created with less affect.
- The site is too close to homes within and around the site resulting in amenity impact.
- Amenity impact on Brookham Moor from fields 19,20, 21.
- Adverse impact on A39 Link Road from glint and glare and visual impact from raised sections of the site. Impact on major tourist route.
- Loss of 21 fields/160 acres of agricultural land. Will sheep be able to graze on the grass shaded by the panels?
- CO2 emissions from construction/decommission phase?
- The application claims that 15800 tonnes of CO2 will be prevented from entering the atmosphere each year, however this is only the CO2 emitted from generating the electricity and ignores the pollution caused by mining, manufacturing and transporting the solar panels, and then disposal in 35 years. CO2 emissions from electricity production are already rapidly reducing so although 15800 tonnes may be saved in the first year (minus production 'costs'), the equivalent amount in 35 years' time will be a lot lower.
- Why should Devon become a net exporter of electricity at the expense of the landscape?
- Will this development provide electricity when it is dark/dull?
- Can the local electricity grid accommodate the additional electricity generated?
- Will the investment to the local Parish Councils be seen/Tawstock Parish Council have no input in the planning process and are not being offered any compensation?
- Introduction of the panels will have potential to alter the noise direction from the 2x turbines?
- Long term disruption and noise factors to contend
- Will the scheme really deliver 'local' job creation?
- Developer has 'cynically' restricted the capacity of the installation to avoid consideration of the Secretary of State.
- How will the panels be disposed of following decommission?
- If this application is approved it will set a precedent for other large scale solar PV.
- Should use existing roofs to provide solar power.

## **Considerations**

### ***Proposal Description***

This application seeks detailed planning permission for the change of use of agricultural land to a solar farm with associated infrastructure on an area of approximately 29 ha (of a 61ha land holding) to the south west of the A39 (Link Road). The proposal would generate electricity for a period of 35 years and would be rated capacity of up to 49.9 MWh. The application is accompanied by an Environmental Statement (ES)



The proposal would include:

- 'Bi-facial' Solar PV modules and mounting structures, south facing and mounted at an angle of 15 degrees with maximum height of 3 metres. Each row to be spaced approx. 4.1 metres apart. The arrays will be fixed to the ground either with piled or surface mounted ground anchors.
- Inverter units comprising dimensions 12.2m long, 2.6m wide and 3.5m high, coloured dark green
- 23 Transformer stations comprising transformer units measuring 6.1 metres long, 2.4 metres wider and 2.9 metres tall and coloured green.
- A 312kV substation comprising an area measuring 30m x 40m
- Underground cabling to connect the equipment.
- Construction of an access track consisting of approximately 300mm depth of compacted stone over a 'geotextile' membrane with the finished surface at ground level.
- Widening of existing field access points to allow access during construction phase.
- A temporary construction compound measuring approx. 30m x 40m in area to provide secure storage of equipment through the construction/decommission phases. This would have similar appearance to the construction track and would be removed once no longer needed. Equipment storage would comprise shipping containers of dimensions 6.05m wide, 2.58m high and 2.43 m wide.
- The site would be bounded by mesh fencing at a height of approx. 2.1m.

The panels would be arranged in rows from east to west and south facing. Inverters are mounted to the rear of the panel frame. Transformers and other containers appear as containers and are coloured green which is a 'standard' appearance for such structures.

Existing tracks are used where possible with new tracks introduced where needed. Existing field boundaries are retained and new vegetation and areas of meadow planting are introduced as illustrated on the LEMP.

### **Planning Considerations Summary**

- **Principle of development**
- **Design**
- **Impact on Tourism**
- **Environmental Considerations**
- **Biodiversity and Ecology Impacts and Mitigation**
- **Impact on Designated Heritage Assets and Archaeology**
- **Impact on amenity**
- **Highways and Access**
- **Flood risk and Drainage**
- **Planning Balance and Conclusion**

### **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.

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 (1) and Section 72 (1) of the Listed Building Act.

The National Planning Policy Framework (NPPF) is a material consideration as are the following documents:

- ‘Overarching National Policy Statement for Energy (EN-1)’: Published by the Department of Energy and Climate Change
- Written Ministerial Statement: ‘Local planning: Written Ministerial Statement (HCWS24) June 2015.
- ‘Net Zero – The Uks Contribution to Stopping Global Warming’ (Climate Change Committee 2019)
- Planning Guidance for the Development of Large Scale Ground mounted Solar PV Systems.
- Natural England’s Technical Information Note: Solar Parks: Maximising Environmental benefits (TIN101)
- Industry Guidance: Solar farms and Biodiversity opportunities
- ‘Devon Landscape Policy Group Advice Note No 2: Accommodating Wind and Solar PV Development in Devon’s landscape’ (Chapter 3 and 4)

- The North Devon District guidance document ‘An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in North Devon District (LUC 2014)’
- National Planning practice Guidance – ‘Planning Practice Guidance for Renewable and Low Carbon Energy’
- Joint Landscape Character Assessment for North Devon and Torridge (2011).

The key considerations in determining this application are whether the benefits of the scheme including the production of electricity from a renewable source, outweighs any harmful effects having regard to the principle of the development, the loss of agricultural land, visual impact, highway safety, impact on tourism, flood risk, impact on residential amenity and impact on biodiversity and ecology.

### **Principle of development**

Climate change is a critical issue facing the world at this current time and, a key factor in addressing the Climate crisis is the reduction in fossil fuels. This is recognised both in National and Local policy.

### **Provision of Sustainable Renewable Energy**

There are a number of International and European policy drivers that are relevant to the consideration of providing renewable energy development.

The Climate Change Act of 2008 and subsequent amendment in June 2019 sets a legal requirement of the Secretary of State to reduce Greenhouse emissions by 2050. The sixth carbon Budget places a legally binding target for the UK to Net Zero by 2050, requiring a doubling of electricity demand from power produced by low-carbon sources, including 4GW per year of solar energy production. Through the Electricity Market Reform (EMR) there is a move towards the increased of a supply of secure electricity to ensure sufficient capacity to meet demand. Renewable energy plays a key factor in supporting the demand and tackling the climate crisis.

The Written Ministerial Statement in June 2015 stated that wind turbines for one or more turbine should only be granted permission on land identified as suitable for wind energy. The Councils have not allocated land for wind energy in the Local Plan and. It therefore falls to other renewable energy technologies to contribute towards low carbon goals, such as Solar.

In 2009 the South West region became the UKs first ‘*Low Carbon Economic Area Hub*’ for the manufacture, delivery and maintenance of renewable energy technologies. Northern Devon seeks to become a hub for the manufacture, delivery and maintenance of renewable energy technologies including the delivery of large scale renewable energy projects. The proposed scheme has potential to deliver economic support to the delivery and maintenance of a large scale renewable energy scheme contributing positively towards the economic benefits of the area and towards policy ST11: *Delivering Employment and Economic Growth*.

The National Policy Statement for Energy (EN-1) (2011) published by the Department of Energy and Climate Change, sets the overarching national policy for energy. Whilst the

proposed development is under the threshold for national significance, the principles of EN-1 are material because it describes the national approach to energy provision. Part 2.2 of EN-1 sets the Government's aim to move towards a secure low-carbon energy system requires significant investment in new technologies to deliver these aims, to deliver a long term strategy for low carbon energy provision, such as solar energy, to deliver less reliance of fossil fuel consumption. Energy provision is vital to economic prosperity, and social well-being, and is essential to ensure that the UK and Northern Devon has secure renewable energy.

To achieve Sustainable Development the planning system has three overarching objectives: The '*economic objective*' to build a strong, responsive and competitive economy, in this case to provide renewable energy to the grid, and thus back to the local area; a '*social objective*' to support strong, vibrant and healthy communities by reflecting current and future needs, in this case for future needs to provide low-carbon fuel and '*environmental objectives*' to contribute towards protecting and enhancing our natural, built and historic environment including making efficient use of land and helping to improve biodiversity and mitigating and adapting to climate change.

In the first instance this scheme to produce Renewable Energy, would meet all three dimensions of sustainable development. The proposal would contribute positively towards the economic goals of the framework where Economic aims would be met providing economic investment and infrastructure enhancements. In terms of the social aspect the proposal will provide sustainable energy for the community, for at least the 35 year time period of the application. In this case, the environmental aims will be met through the provision of a substantial landscaping scheme, and the proposal will mitigate the impact of climate change over time.

The National Planning Policy Framework sets out a proactive approach towards the provision of Renewable Energy development to meet aims to reduce greenhouse gas emissions and meet renewable energy targets.

In accordance with Part 14 of the National Planning Policy Framework (NPPF) '*the planning system should support the transition to a low carbon future in a changing climate*'... and *..not require applicants to demonstrate the overall need for renewable or low carbon energy... and ...Approve applications if its impacts are (or can be made) acceptable.*'

At paragraph 148, one of the core principles of the NPPF (Part 14 – '*Meeting the Challenge of Climate Change, Flooding and Coastal Change*') is the need to support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources. Paragraph 149 requires LPAs to take a pro-active approach to mitigating and adapting to climate change, and at paragraph 151, to identify opportunities to draw energy from renewable or low carbon energy systems such as solar development, to support the delivery of Renewable and Low-Carbon Energy and associated infrastructure central to the Government's aim to support the economic, social and environmental dimensions of Sustainable Development. Paragraph 154 does not expect applicants to have to demonstrate an overall need for Renewable Energy and LPAs should approve the applications (unless material considerations indicate otherwise) and if its impacts are (or can be made) acceptable.

In May 2019 North Devon committed to a County wide reduction in carbon emissions of 30% by 2030 and Net Zero by 2050. At present ground mounted Solar PV installations in North Devon contributes a production of 1085 GW per annum and renewable energy sources contribute just 32 % of North Devon's Electricity consumption. Studies show that Solar PV has potential to contribute 10 GW of electricity to the electricity consumption in the area and to become an exporter of electricity. The Litchardon Solar Farm will contribute a further 49.9 MW towards North Devon's renewable energy capacity contributing significantly towards National and Local Low Carbon targets.

The move towards Net Zero requires major investment in renewable technologies. Low Carbon energy is vital to economic prosperity and social wellbeing and so, it is important to ensure that North Devon has secure Renewable Energy. The proposal, in combination with other renewable schemes already in operation (Collacott Farm, Hollamoor, Horsacott Farm) would assist in tackling climate change and contribute towards cutting greenhouse gas emissions. The need to facilitate appropriate development in the countryside that is necessary and enabled to meet local economic and social needs is enshrined in policy ST07 (4). The provision of Renewable Energy will contribute positively to the social and economic needs of Northern Devon, providing energy to a number of homes, and will meet the aims of limiting development to that which is enabled to meet local economic and social needs within the countryside in ST07 (4).

As well as broader National support for Renewable schemes, there is Local support within the policies of the North Devon and Torridge Local Plan for the provision of appropriate renewable energy proposals (other than wind energy). From a policy perspective the local plan supports renewable and low carbon energy and heat generating development (other than wind energy) in the landscape character types subject to proposals meeting the criteria of policy ST16 (a-c).

Paragraph 2.21 of the NDTLP sets out the broad spatial aims and objectives of the plan to address the key issues facing North Devon. At part a) the plan is clear that the LPA must find solutions rather than problems to approve sustainable development, part i) seeks to protect the high quality natural environment and at part j) the delivery of necessary development while minimising the impact on the environment and responding to the implications of climate change, and promote the use of renewable energy. This is emphasised in the Spatial Vision for the area at Aim 2: '*A world Class Environment – Where important Assets are valued and enhanced for future generations*', part f) where '*demand for resources including energy and water are managed sustainably for efficient and effective use*'.

Strategic Policy ST01 is clear that the LPA must take a positive approach reflecting the presumption in favour of Sustainable Development contained within the framework..

Strategic policy ST02: *Mitigating Climate Change* expects development to make a positive contribution towards the social, economic and environmental sustainability of Northern Devon and its communities by 'd) *promoting opportunities for renewable and low-carbon energy generation whilst conserving and enhancing the natural and built environment.*'

At paragraph 3.8 the plan is clear that the Local Plan will support opportunities for renewable energy and heat generation to accord with Strategic Policy ST16: *Delivering Renewable Energy and Heat*. Policy ST16 supports proposals for on-site provision of renewable energy and low carbon technologies in principle (other than wind energy), within landscape character types where:

- landscape sensitivity is best suited to accommodate them,
- there is no significant impact on Local amenities and
- the special qualities of nationally important landscape, biodiversity and heritage designations and their settings are conserved or enhanced and where it can be shown that the cumulative impacts of operational and proposed development does not become an overly adverse effect on the landscape.
- Renewable and low carbon energy development will be supported where it can be demonstrated that the cumulative impact of operational, consented and proposed development on landscape character does not become a significant and defining characteristic of the wider fabric, character of the landscape.

The delivery of the Litchardon Solar farm would produce 49.9MWp in this scheme falling below Nationally Significant Infrastructure (50.000+MWp). The Secretary of State has been consulted and has not raised comment. One of the key benefits of delivery of the scheme would be the provision of renewable power to around 127000 homes, mostly be delivered locally. Furthermore, the applicant's statement shows an offset of Carbon Dioxide emissions amounting to approximately 15800 tonnes per year. The proposal, in conjunction with other Renewable Energy schemes in the area, would contribute towards the targets of the Climate Change Act 2008 to reduce Carbon emissions, and the commitment to Net Zero Carbon across Northern Devon. The development can increase the security for provision of renewable electricity supply within North Devon and, there is general support for renewable schemes in the Framework, and at Local Level within the Local Plan.

To deliver the Strategic vision for North Devon, to move towards a Zero Carbon energy production, the provision of Renewable Energy Infrastructure to allow for the generation of electricity from renewable energy is essential. The provision of a decentralised Renewable Energy supply supports the Government's aim to provide a Net Zero carbon future, and lends significant support to the scheme in accordance with the principles of the NPPF, and with policies ST01, ST02, ST07 and ST16 to deliver a sustainable solution to the climate crisis and provides employment opportunity in accordance with ST11.

From a policy perspective, the energy produced would feed back into the grid and with the production of 49.9 MW, will make a valuable contribution towards renewable energy production locally and nationally and, consequently the benefits of producing renewable energy should be given significant weight as a material planning consideration in the determination of this proposal. The application is considered to be acceptable in principle, providing it accords with the other policies of the Development Plan and be demonstrable that the proposals would not result in adverse impact on the character of the countryside

The need for renewable energy does not automatically override environmental protection and the planning concerns of the local community. The LPA acknowledges

that opportunities for Renewable Energy proposals are strongly influenced by the availability of the natural resources (in this case an appropriate land mass), and the sensitivity of the environment to accommodate the different types and scales of installation including the cumulative impacts. The policy support for the renewable scheme must be balanced alongside the visual impact of the scheme, the cumulative effect with other existing operational wind and solar development in the area, as well as existing infrastructure (2 radio antennas, the A39 Link road and various existing electricity pylons) the effect on, and the temporary loss of low grade agricultural land, the potential for impact on local tourism and the impact on the amenities of local residents, the effect on the local highway network and the effect on wildlife and ecology.

If the benefits of delivering the renewable energy are considered to outweigh the above impacts, then the proposal can be granted permission in accordance with National and Local Plan policy and the guidance set out in this report. The proposal must accord with the other policies in the Local Plan and demonstrate that the proposal will not result in adverse impact on the character and appearance of the countryside.

The report will set out the process of selection for this site and the benefits of the scheme as well as the visual effects on the countryside and local amenity. The report will also assess the impact on the local highway network and whether the scheme provides adequate and effective biodiversity and ecological gains in accordance with National and Local policy.

#### Site selection justification

Site selection and design is initially examined in Volume 2 paragraph 3.7 of the ES and Appendix 3 of Volume 2 of the ES. The site selection takes account of the *Devon Landscape Policy Group Advice Note 2: Accommodating wind and Solar PV developments in Devon's landscapes; Siting, design and Assessment of Solar PV Developments*.

The applicants have applied a '*policy derived site selection and design criteria*' for the site, taking account of all relevant documents. The key determining factors in this case are the benefits derived to the local community from the provision of Renewable Energy sourced electricity, the effect on the landscape character, the cumulative impact, the provision of effective biodiversity mitigation, amenity, highway impact, the effect on heritage assets and archaeological matters and flood risk and drainage. The applicants assessed the broad acceptability of the site using the *Solar Trade Association (STA) best practice Guidance* and the 10 commitments contained within (Environmental Statement Volume 2 paragraph 1.16 and Table 3.1 STA 10 commitments). The STA findings are supported by the findings of the ES and in particular the results of the Landscape Visual Impact Assessment (LVIA) at chapter 11 of the ES. Through the EIA Scoping process the key factors for the applicant's selection of Litchardon are summarised at table A.1 and a summary of existing constraints is provided at table A.2.

The applicants have chosen this site as a location which will provide both for their needs to develop a technically viable development, whilst seeking to balance the need to reduce the impact of the development within the local and wider environment, and to develop such a scheme on least valued agricultural land. The site also provides highways access for all stages of the lifetime of the application, proposing minimal on

site widening of existing access points, and will retain existing hedgerows throughout and bounding the site.

### Connectivity to the Grid

A key consideration in the siting of the solar farm, is Grid connection (local Electricity distribution network) which should ideally be within 2 km of the site. The site provides adequate Grid connection via a proposed Substation and Connection Compound on land to the North at Lovacott Cross. The proposal does not require over ground lines to be introduced and relies on underground cabling to distribute the electricity to the grid. The availability of the connection is important to reduce connection costs resulting in a project becoming unviable.

### Agricultural Land Quality

*The Natural England Agricultural Land Classification (ALC)* defines the Best and Most Versatile (BMV) agricultural land as grade 1, 2 and 3a with lower grade land at 3b, and 4, defined by wetness and gradient of the land. Development of BMV land (1,2 and 3a) should be avoided and development directed towards land of lower grades 3b and 4.

In this case the land is currently used for pasture for beef and sheep. The submission concludes that *'the land has heavy, poorly draining soils, with land quality limited to sub-grade 3b or grade 4 by wetness and gradient'* with a mixture of fine silty soil and fine loamy soil. The site is classed as a mixture of sub- Grade 3b (Area of approx. 81 % of the site) and grade 4 pastureland (Area of approx. 17% of the site with 2 % of the site non-agricultural). The predominant land classification is 3b and 4 where the soils are too wet or of a gradient too undulating to be cultivated for most of the year.

The development does not result in the loss of BMV agricultural land, using land of lower grade agricultural quality (3b and 4) whereby, the economic benefits of the Renewable Energy will outweigh the loss of least productive agricultural land. This is accordant with the WMS, NPPF and NPG to give preference to the development of lower grade agricultural land of lower agricultural quality.

It is proposed that the land between the panels will continue to be utilised for the purposes of sheep grazing which, although acknowledged to be intermittent, maintains a usable area of land for agriculture, contributing towards the current food producing economic farming practice, ensuring maintenance of the land, and ensuring viability of the farm enterprise.

The enterprise will be further bolstered by income derived from hosting the solar farm on the holding, and contributes towards low carbon farming. This accords with the broad aims of paragraph 83 and policy DM15 to support the agricultural sector through diversification of a holding and reinforcing the viability of the existing holding. On this basis, given the 'temporary' use of the land for 35 years, the proposal will retain the agricultural quality of the land for the future, and the balance weighs in the favour of the scheme as the proposal does not result in a significant loss of BMV agricultural land or harm the agricultural economy and allows the continued agricultural use of the land. A planning condition is proposed to ensure that a degree of agricultural use occurs throughout the lifetime of the development.

## **Design**

Design is considered in terms of policies ST04, DM04 and Part 12 of the framework. New development must achieve high quality design form that responds to the characteristics of the site.

The layout of the solar farm broadly follows established field boundaries and sizes which, given the scale of the proposal, will respect the existing rural layout. The scheme is accompanied by a detailed LEMP which will provide further vegetative screening of the site, and bolster established field boundaries.

The panels, arrays, housings fencing and inverter boxes are all relatively low level developments with the highest parts of the scheme comprising the inverter boxes and fencing. The position and height of the panels and equipment are dictated by the undulating lay of the land. The scale and mass remains consistent across the site. The structures are of a 'standard' design, material and form synonymous with such solar development. The design will be apparent within the parameters of the site but less so from further afield due to the lay of the land and intervening existing and proposed vegetation.

The structures will appear as new industrial features within the immediate rural landscape, but as will be considered below with the undulating rise of the surrounding landform, the introduction of new planting and existing field boundaries and vegetation, will be accommodated into the wider landscape. A planning condition is included to secure details of external materials and appearance of the equipment casings.

## **Impact on Tourism**

Tourism and leisure attractions form an important part of the Northern Devon's economy and tourism offer. New development should not inhibit access to, or significantly detract from northern Devon's tourism economy.

In terms of the impact on tourism, the site will not directly affect or be visible from any known tourism or leisure attraction within the site. The site will not be directly perceived from the undeveloped coastal areas or from popular tourist attractions at Exmoor and will not detract from the appreciation of the landscape from these popular areas. Part of the eastern rear section of the site will be apparent at a distance from Codden Hill, which is a popular walking route, but, would not physically detract from the landscape to the extent that users will cease to visit.

The site will be apparent from a relatively short section of the A39, which is a Tourist Route linking Barnstaple to Bideford. Solar arrays have become a feature along Motorways and main roads, and within reason are accepted into the landscape as relatively fleeting glimpsed industrial features. The array will effect a relatively short 700m section of the A39 and, as is evident from letters of support from outside the district, would be perceived as a positive addition to the landscape, given the need to reduce greenhouse gasses. The LPA does not consider that the impact on tourism would be so severe as to warrant refusal of this scheme.

Furthermore, the existing Collacott array and 2 wind turbines are visible from this route and, do not deter holiday makers from using the A39.

## **Environmental Considerations**

### Character and appearance of the proposal within the countryside landscape

The proposed solar farm would be located approximate 2.36 km from the outskirts of Barnstaple (Bickington) to the north and 1.27 km from St Johns Chapel to the east, 2.41 km to the north west of Newton Tracey and 2.26 km from Horwood (measurements taken from roughly the centre of the site) and would span across 23 fields of mostly pastureland, on either side of the A39.

Objections received to the proposal, refer to the siting and scale of the proposal, the effect on the character of the area and the cumulative effect of the scheme with existing renewable energy schemes and existing infrastructure.

The framework is clear at part 15 paragraph 170 that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside and development should provide net gains in biodiversity.

The Local Plan acknowledges that Renewable Energy developments including solar farms can impact on the areas high quality natural and historic environment. Landscape Visual Impact is one of the most important considerations in determining any application for such development.

Large scale Solar development can result in negative impacts on the rural landscape where the landscape is elevated, or particularly undulating. It is essential that the solar farm be planned to mitigate and reduce its impact where possible, and that proposed landscaping is both appropriate and effective.

Policy ST16 of the NDTLP states that *'renewable and low carbon energy and heat generating development... will be supported in the landscape character types where landscape sensitivity is best able to accommodate them, assessed in accordance with the Councils Landscape Sensitivity Assessments and by the Landscapes sensitivity to accommodate the scale of development'*.

The framework expects the Planning system to *'support renewable and low carbon energy and associated infrastructure'*. The overarching aim set out in EN-1 requires decision makers to balance large scale projects against the impact on the locality, ensuring that the proposal has been well designed taking account of the potential effect on the landscape having regard to siting, operational and other relevant constraints with the aim being to minimise the harm to the landscape where possible and introducing appropriate measures to do so.

Policy DM08A: *Landscape and Seascape character* of the NDTLP requires development to be of appropriate scale and mass and design that recognises and respects the landscape qualities of both designated and undesignated landscapes. Development must take account of landscape sensitivity and capacity, including

cumulative effects and great weight is given to conserving the landscape qualities of designated landscapes such as the North Devon Coast Area of Outstanding Natural Beauty (AONB) which falls within the 5km Zone of Theoretical Visibility. This is also enshrined at policy ST16 (3) (a). DM08A requires assessment of a development in terms of the effect on the key characteristics and extent of all landscape types identified within the Joint Landscape Character Assessment for Northern Devon and Torridge Districts (LCA) (2010). Key characteristics will be conserved and enhanced.

The Landscape Character Assessment (LCA) shows that the site is not within a protected landscape, but is within Landscape Character Type (LCT) 3A: *Upper Farmed Wooded Valley Slopes*, which comprises the upper catchments of the main river valleys comprising a gently rolling pastoral landscape of fields bounded by thick Devon Hedges, characterised with a strongly undulating land form comprising arable cultivation, regular fields and with nature conservation interest provided by areas of species rich Culm grassland, meadows and springs, which is evident at the Litchardon site. Main roads such as the A39, and pylon lines and the influence of modern development are strong influencing factors on the tranquillity of this LCT. The Landscape Character Assessment assesses the tranquillity of the landscape as being susceptible to change and identifies large scale photovoltaic developments which capitalise on steeper southern flanks of fields as a key force for change within the LCT. The overall strategy is to protect the landscapes strong rural character and historic sense of place and woodland habitat and to protect views from further afield to Dartmoor, Exmoor and the North Devon Coast AONB. Management of development within the LCT should protect the strong irregular field patterns and hedge banks, and manage the wildlife interests of the farmed landscape including creating species rich grass buffers around fields and reinforcing upland character. The overall aim of the LCA is that Solar PV installations do not become a key characteristic of the landscape. In terms of the guiding principles of the LCA the guiding principles should be adopted but each site must be considered on its own merits, and the planning balance in relation to the need for Renewable Energy production weighted accordingly.

The North Devon District Guidance document '*An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Northern Devon District (LUC 2014)*' suggests that within LCT 3 A have a high sensitivity for very large solar pv developments setting out broad principles for solar development:

*Section 4.13 states 'For solar PV development the guidance for development included for each LCT suggests that, generally, the most suitable forms of solar PV development will be those of up to 10 hectares in size located in more enclosed areas and on lower slopes, avoiding highly visible slopes. Existing screening features should be used to screen these developments and the overall aim should be to make sure that solar PV developments do not become a key characteristic of the landscape of the LCT or have a defining influence on the overall experience of the landscape of the landscapes of North Devon'.*

As identified, this proposal is considerably larger than the recommended 10-15 ha size, suggesting that there is a high magnitude for the proposal to be a key visual component of the LCT. Notwithstanding that the principle of Solar PV development is accepted, and the proposal does not affect BMV agricultural land, the proposal must be able to be accepted into the wider landscape, taking account of the effect of the development on

wider landscape designations, the wider LCT and within the LCT area of the site itself taking account of the cumulative impact of the development with existing 'industrialised' landscape features within 1.2km of the site and solar pv development further afield within the 5km radius.

In this case the other infrastructure development considered comprises the following;

#### Other Renewable Energy Developments

- Lower Litchardon Farm wind turbine located to the north of the site. (Medium scale). (Operational) (56756)
- Collacott Farm Wind Turbine (Medium scale) (operational in situ, located to the west of the site) (54353)
- Knowle Farm Horwood – 34.2m high wind turbine (operational in situ) (54236)
- Collacott Solar Farm to the west of the site (Medium scale)(58715)
- Horsacott solar array. (Operational and in situ approx. 1.15 km to the north west of the site). (54349)
- Hollamoor Solar Array. Operational and in situ located approx 3.57 km from the site). (54884).
- Combrew Farm Bickington. Three rows of panels and Inverter generating 49.9KPW. (not operational) (52963)

#### Other Infrastructure and developments

- a wireless station mast and ordinance survey mast and associated equipment masts owned by Aquiva Services located to the east of the site
- the A39 'Atlantic Highway' link road dissecting the site from north to south
- the Holmacott Landfill site comprising approximately 7.5 ha of land to the south west of the site
- A number of electricity pylons dissecting the site to the north

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

The scheme is accompanied by a Landscape Visual Impact Assessment (LVIA) (Appendix 11 of the ES) which has been carried out by the applicants in accordance with the Guidelines for Landscape and Visual Assessment Third Edition. The LVIA identifies visual receptors at Settlements individual properties, visitor attractions, recreational routes, Public Rights of Way (PROW) and also from rail routes, although the scheme will not affect a rail route.

The assessment includes a stand-alone and cumulative Zone of Theoretical Vision (ZTV) extending to a 5 km radius around the site, including areas within the AONB, and also identifies a 1.2km radius around the 'bowl' of the topography of the land. The LVIA is assessed from 12 viewpoints and provides an indicative impression of how the panels will appear from each vantage point. The points include public roads, local bridal ways and footpaths and from points in proximity to residential property.

The submitted LVIA assesses the baseline qualities and visual amenity of the site and its surrounding area, and defines the predicted landscape and visual effects from the

proposed array. This methodology is appropriate and of sufficient content to enable the LPA to consider the effects of the development. These viewpoints have similarly been inspected by the case officer and consultees.

The scale and area of this proposal makes it difficult to achieve a zero visual impact. What must be considered is if the site is well planned, and as well screened as possible to offer as much mitigation as possible from the visual effects of the scene.

A summary of the findings of the LVIA is provided, along with a summary of mitigation measures proposed. A further summary of viewpoints from local attractions, the wider area, localised view points and individual properties is provided below and in the amenity section of the report.

#### Long range viewpoints

Long range views of the site from over and within 5 km distance of the site are restricted by the undulating landform surrounding the site with the only potential views of the site are from highly elevated positions.

#### Codden Hill Beacon

The LVIA shows that a relatively moderate section of the eastern flank of the site would be visible from Codden Hill, becoming a small feature of the landscape when viewed from this public vantage point. The majority of the site to the south, will be screened by the undulating rise of the intervening landform. The LVIA shows a small section of the southern flank of the site visible from Codden Hill which will be read as a distant addition to the landscape.

#### North Devon AONB

Whilst there are no protected designations within the proposed site area, the AONB is within the 5km study area. Paragraph 172 of the framework places great weight on the conservation and enhancement of the AONB to conserve and enhance the natural beauty of the AONB. The LVIA shows that the site will be well screened by intervening undulating landscape, vegetation and built form from a distance between 5-10km from the AONB. Beyond 10KM there may be glimpsed views of the site from higher ground within the AONB at Saunton but again this is not likely to significantly detract or directly affect the natural beauty of the AONB, which is confirmed by the North Devon AONB partnership.

#### Taw and Torridge Estuary Site of Special Scientific Interest (SSSI)

The LVIA shows that the site is within 3KM of the Taw and Torridge Estuary Site of Special Scientific Interest (SSSI) (to the west). Natural England have considered the site location in respect of potential impacts on the SSSI and conclude *there are no significant impacts identified and Natural England therefore does not object.*

Within the LCT area 3A – Upper farmed and Wooded Valley Slopes landform is generally undulating, and landscape is characterised with rolling pastoral fields bounded by thick Devon Hedges and interspersed with woodland. What is clear in this case is that the land form is undulating comprising higher points along the upper southern and western flanks of the site and lower areas within the northern and eastern sections. The undulating land form forms a wide ‘bowl’ shape encompassing the site within a relatively

localised area. Viewpoints from further afield within the ZVT are significantly reduced by the land form.

#### Medium to short range viewpoints and views from individual dwellings

At shorter range, within a 2km radius parts of the site become more apparent from public vantage points. The LVIA identifies a number of localised points where at short range the site will become more visible and where the solar array will have major, moderate and high impacts.

Impacts of the entire site will be perceived on the approach to Brookham Farm which is the closest property to the site at approximately 129 metres to the east and 119 metres to the south west. The farmhouse is 2-storey with the principle elevation facing east towards fields 19, 20 and 21. At the rear there are a number of agricultural buildings forming the farm yard and a large grassed area to the south which may have recreational purpose. It is acknowledged that views of the solar farm will be major/moderate in excess of 5 years from the construction. To mitigate views to the East, the LEMP shows provision of a bank of mixed planting to the West of fields 19 and 20 which over time will grow to screen side on views of the site from the front of Brookham House. To the East, side views of fields 19, 20 and 21 will be apparent from first floor windows of Brookham House. To mitigate these views, the LEMP shows provision of a mixed bund of planting to the west of fields 19 and 20. Over time this will grow to provide mitigation to Brookham Farm.

There are residential properties to the south of field 21 at Litchardon Cross at Higher Litchardon. These are Lianda, Higher Litchardon, Fern Cottage, Acorn Cottage, Rose Cottage and Meadow Cottage. The southern flank of fields 19-21 face towards the rear of these properties. At present there is an established hedge bank along the South of field 21. The proposed LEMP shows a bank of mixed woodland planting to be created on land to the south of field 21 which over time will provide vegetative mitigation to the rear of properties at Litchardon Cross. This is examined further in the amenity section of the report.

It is possible to obtain vista views from Huish Moor, but the majority of viewpoints are through field accesses or where field boundaries are low. Overall, given the scale of the site, views from the network of country lanes bounding the site and position of established field boundaries are filtered.

#### Road from Voscombe Cross to Holmacott

The rising land form and the intervening vegetation and field boundaries around the site provides screening from the wider area, Along the public road to Holmacott from Voscombe Cross, the roadside is generally screened by established boundary hedgerows with limited views attainable along the road leading to Holmacott through field access points. Most of the site will be visible from breaks in the roadside hedges. The LVIA Acknowledges that views of the site from this road will have a medium to high sensitivity to the solar array. The proposed boundary mitigation and retained hedging will soften the southern flank of fields 15, 17 and 18. Once established, the landscape mitigation will provide some degree of landscape mitigation but large parts of the site will still be visible becoming a key part of the landscape with substantial magnitude for change through the duration of the life of the development from this lightly used road.

### Holmacott

The settlement of Holmacott is located to the south west and contains a number of 2-storey dwellings mostly located to the south and North West. Holmacott Farm is located to the north east, and is well screened by existing agricultural barns along the east side of the farm unit. The LVIA acknowledges that limited views of the site may be attainable from upper floors of Holmacott Farm. These views will be at a distance of approximately 500 metres from the farm dwelling. It is proposed to maintain heights of hedgerows along the southern flank of field 15 and to plant additional hedges along the southern flanks of field 17 to provide mitigation of the southern boundary. Views of the site further to the north may be attainable from Holmacott Farm. Within Holmacott, most properties are located to the North West where views of the site from residential properties will be restricted by the rising lay of the land and intervening field boundaries.

### Huish Moor Road

Along Huish Moor the rural road serves a properties known as Huish Moor and Orchard Farm. The road is elevated on the crest of the valley bowl. Field boundaries along the upper section of the road are low offering clear views of the site to lower ground to the north and north east. The LVIA acknowledges that there is a high sensitivity along this section of road and that the solar farm will become a key characteristic of the landscape. It is possible to see the 2 wind turbines, the landfill site and the solar array at Collacott Farm from this elevated position, and these existing elements would be read in accumulation with the proposed development. The scheme will be visible and will have a will have a major/moderate adverse effect on views along Huish Moor.

An objection letter has been received from the owners of 'Huish Moor' raising concern that the site will affect their amenities. Views from 'Huish Moor' are considered in the amenity section of the report.

### Public Rights of Way

No public footpaths run through the site. There are a number of public footpaths in the vicinity of the site including Tawstock Footpath No 6 approximately 220m to the South East of the array, Horwood, Lovacott and Newton Tracey footpaths 6, 47, 48 and 49 approximately 570 m south west of the array and Fremington footpath 44 located approximately 725m north west of the nearest part of the array. PROW 44 to Knightacott runs to the west of fields 1-6. Although the footpath runs through a heavily wooded area of Kittymoor Brake there will be areas where, through breaks in the foliage, the southern flanks of fields 2, 3 and 4 will be visible. The LVIA acknowledges that in accumulation with the existing solar arrays at Collacott, the proposal will be clearly visible from the public footpath from several viewpoints. The County PROW officer has commented that 'the application will have no direct effect on the Public Rights of Way Network in the vicinity, but acknowledges that there may be adverse effect on the wider rights of way network and requires that 'due care be given to the visual impact such a large development may have within this well walked area. The proposed mitigation in the form of the LEMP scheme will provide immediate screening of the site, wider views of the solar pvs will be attainable from parts of the PROW and in particular of fields 1-4.

### Old Bideford Road

Along the Old Bideford Road heading north towards Collacott Farm the public road are well screened by high established hedgerows. Views of the site will be apparent through field access points, and where the land falls away to reveal fields 1-6 and where attainable, the entire site will be seen with a moderate adverse effect on public views. This can already be seen on the existing Collacott Array when this becomes apparent. Proposed screening along the western flanks of the site will assist in screening off the lower sections of fields 3, 4 and 6. Field boundaries to the west of field five will help to soften this section of the site.

#### Prospect Corner

At prospect Corner the proposed substation will be mostly screened from views to New House and Prospect House. The majority of the site will be screened by established trees and hedgerows and the rising lay of the land. The substation will be screened over time by the inclusion of a bank of trees to the south of the substation. Distant views only of the site will be attainable.

#### A39 Link Road

Along the A39 south bound the site will be clearly visible in summer and particularly in winter months along a section of the road measuring approximately 740 metres where roadside vegetation is sparse, and the site will become apparent to users of the Atlantic Highway. Mitigation measures are proposed along fields 7, 11, 14 and 15 in the form of retaining existing hedges, bolstering of existing hedges and allowing increased height of growth, and new hedgerow planting along this flank of the site. Over time, the mitigation will provide some degree of screening but is unlikely to completely screen the array on the southern approach to Barnstaple and northern approach to Bideford. Outside of this 740 metres zone, proposed and existing vegetation will break up the rows of panels and provide visual mitigation. This will be less effective in winter months. Users of the A39 will see the proposal, this will include tourists traversing from Bideford to Barnstaple. The Collacott array is visible in winter months but, from a relatively short section of the highway offering glimpsed views of the array. This array has produced no known Glint or Glare impacts to the highway.

#### Summary of visual impact

Given the representations from local residents, the landscape and visual impact of this scheme is one of the most important issue in considering the proposal.

The LVIA is clear that the most sensitive immediate visual receptors around the site are at the settlements of Bickleton, Knightacott, Litchardon Cross and dwellings at Huish Moor, Brookham Farm, Voscombe, Greenfields, the east side of Holmacott and Collacott and at Lovacott Cross at Phelmont House and New House. There are other public vantage points along public footpaths at east of Litchardon to the east of the site and a footpath to Knightacott. Distant views are considered from as far as Codden Hill Beacon, which is a high local viewpoint to the north and Saunton.

At long range, views of the site will be restricted by the nature of the terrain and the undulating land form. Only potential long range views are from Codden Hill, and then a relatively small section of the site. The assessment shows that the rising and undulating land form provides effective screening of the development from further afield within the LCT and from wider points in the AONB. Wider views of the site from the north east and

west are mostly obscured by the rise of the landform. The site will not be adversely visible from views over 5km of the site forming a small part of the landscape.

At medium range views at lower level and road level the majority of the site is generally obscured by field boundaries and rising landform. There are breaks in boundaries which will offer relatively unrestricted views of parts of the site but these are relatively fleeting views. Some parts of the site will be visible from raised areas of public vantage points such as the Knightacott PROW or the link Road or raised public roads as discussed.

It is acknowledged that there is a medium to high magnitude of impact on localised views from local roads and the PROW. Taking account of the representations by local residents the LPA acknowledges that there will be impact on properties in the vicinity of the site, and short to medium term harm to the countryside, by virtue of the change of appearance of the agricultural landscape.

To the south, short range views are attainable from raised local roads and from the PROW, with wider views well screened by the steep rise of the land to the south. At short range, views of the PV panels and equipment are restricted to localised visual receptors within the bowl of the land form approx. 1.2km around the site from the aforementioned properties and PROW and rural roads. The relative sensitivities' are such that due to the scale of the development and relative distances from the receptors, the development will be experienced from certain viewpoints (e.g. Brookham Farm) from High visual effect and further afield from Moderate to high visual impact. Due to the relative distances from the receptors and the benefits of topography and vegetation around the site the principle views of the site are contained to an approximate area of 1.2 km radius, following the rise of the land which, given the scale of the development is moderate but localised within the wider LCT.

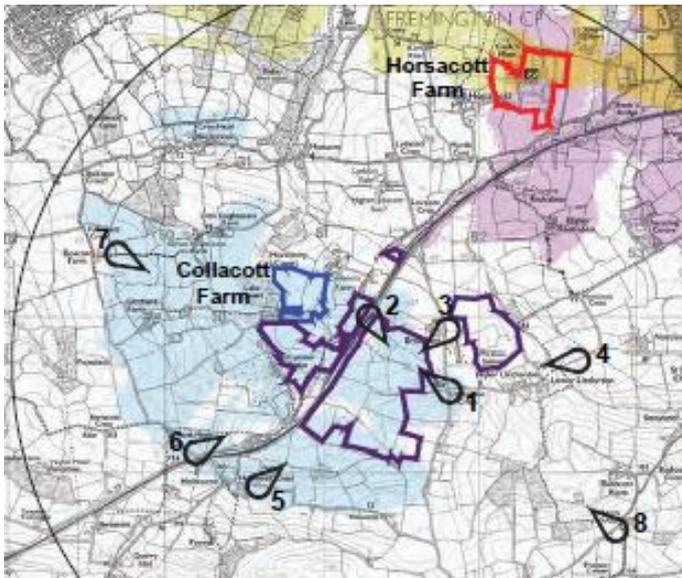
Within the short term visual range, the land is relatively open with a plateau of agricultural land to the south of the site, rising to the northern flank of the site. During the construction phase the temporary construction compound to the north east will be visible, being on the brow of a hill and will be a new addition to the landscape, visible from local roads. This temporary compound which will be removed once construction is completed.

The provision of screening mitigation in the form of the detailed LEMP which is supported by the Authorities Sustainability Officer and Arboriculture Officer, will provide biodiversity gains, and effective screening mitigation over time such that at medium visual range, of the site from local viewpoints along the lanes around the site are generally mitigated or obscured or filtered views. The exception to this is from raised ground to the south and south west. The Collacott array will become apparent in accumulation with the proposed array, but will appear as part of the wider development scheme.

Within the area of development, there are various existing hedgerows and copses of trees. The LEMP proposes to bolster these planted areas with appropriate indigenous planting, providing significant biodiversity gains in the form of new woodland planting, creation of planted meadows and bolstering existing hedges. These measures will cumulatively help to soften the appearance of the proposal over time and offer a degree of visual separation within the rural landscape.

It is clear that despite the extensive LEMP scheme, the zone of influence of the proposal will not be zero. The proposed planting will take time to reach maturity whereby, given the scale of the proposal, in the short term the proposal will be visible from public vantage points, local roads and from properties within 1.2 km of the site. Despite the additional planting proposed along the A39 it is likely that the scheme will be apparent from users of the A39 for the duration of the lifetime of the proposal. From further afield the steeply undulating landform and intervening vegetation and built form to the north, south east and west provides effective visual mitigation from views from afar, resulting in short term moderate to major localised views. Once established, the LEMP will provide localised visual protection, in particular to Brookham Farm from fields 19-21, and to properties to the south at Litchardon, and to a degree, along the A39. Overall, given the mitigation proposed, the localised harm will be offset by the implementation of the proposed screening mitigation. The Councils Sustainability Officer supports the principle of the LEMP and Biodiversity Metric Submitted with the scheme which will be examined further in the Biodiversity and ecology section of the report.

### Cumulative impacts



*The above map shows the site in relation to the Collacott and Horsacott Solar PV array in situ*

Policy ST16 (4) states that *'Renewable and low carbon energy development... will be supported where it can demonstrate that the cumulative impact of operational and proposed development on landscape character does not become a significant defining characteristic of the wider fabric, character and quality of the landscape'*.

The potential cumulative impact of this site, with the existing solar farms at Collacott, Hollamoor and Horsacott, and with the wind turbines and existing infrastructure has been considered. The proposals identify three wind turbines and one solar farm within 2km of the site and a further solar farm at Horsacott, within 5km of the site.

The array will be seen in accumulation with the Collacott Solar Array, but will not be seen in accumulation with other solar arrays in the wider landscape outside of the rising landform. Based on a human field of vision, the separation distances from other established solar pv arrays and the low level nature of the proposed solar pv and the low level of solar PV at Holamoor and Horsacott, and intervening landform, and vegetation means that the proposal will not be experienced in one view with these other arrays.

The array will be seen in accumulation with other industrial and infrastructure development in the vicinity of the development site. It will be read in accumulation with the wind turbines and existing solar array at Collacott Farm and Litchardon, and with the landfill site, the A39, and communication masts identified. Due to the scale of the proposal, this would be unavoidable. Overall the LVIA concludes that the sensitivity of the immediate landscape to the changes from the proposed solar farm are of Medium/High sensitivity within a 1.2 km radius of the site, which by virtue of its size and nature effects the landscape character of this localised section of the LCT, changing the land form agricultural to industrialised, albeit for a temporary period.

The land rises to the north whereby fields 5,7,8,9,19 and parts of 11, 12 and 13 are on higher ground with the remaining fields forming the plateau. Fields 1 and 2 and part of field 3 are on raised land to the west facing east into the bowl of the land form. Fields 14, 15, 16, 17 and 18 are positioned on the northern flanks of the site and are well screened by the rise of the land form to the south and east.

The magnitude of the cumulative change should be considered in context with the other industrialised features of this part of the LCT, and that the site is relatively well screened by the rolling topography of the landform, within a relatively short distance of the site.

There are a number of factors to weigh in the balance: The proposed array will effectively assimilate the Collacott site into the development, appearing as part of the wider scheme. The overall visual impact of the scheme is localised with views identified to individual property and public roads and footpaths nearby the site and appropriate landscape mitigation provided. The character of this area is not unspoilt agricultural land, nor is it particularly tranquil with the existing works, the Landfill site, masts, pylons and the A39 road running through it. The landscape is characterised with three renewable energy projects operating within the immediate vicinity of the site, and with 2 large communications masts all within close proximity of each other. There are a number of smaller electricity pylons and a smaller communications pylon which add to the industrialisation of the landscape. The cumulation of development is well contained within a relatively localised area where the cumulation of industrialised development will appear logical.

Further afield, within the 5km radius, the undulating land form and intervening built forms and vegetation will provide a good degree of visual screening of the solar farm within the wider LCT.

Given the scale of the development, it is not practicable to expect that the visual effect of the array can be completely screened as has happened at other sites such as Horsacott and Hollamoor which are considerably smaller schemes. The proposal will change this relatively moderate section of the LCT which is unavoidable if the

development is approved, despite the extensive landscape mitigation scheme. There will be a localised cumulative visual impact with the existing Collacott array, the turbines and existing infrastructure.

The applicants have sought to site the panels and equipment within the established field patterns, following the southern aspect of the fields and following the general topography of the area, retaining field hedgerows and larger areas of existing trees which broadly follow the landscape features and field patterns features of the LCT. The scheme proposes a number of biodiversity landscape mitigation and enhancement measures which, over time will bolster the vegetative cover for the solar farm further reducing its impact. The LEMP accompanying the submission shows where the biodiversity gains will be most effective. The number of existing infrastructure developments within and surrounding the site, have a defining industrialised influence on the existing landscape, whereby the introduction of the new array will be read in context with existing infrastructure developments, contained within a relatively moderate 1.2km radius of the site. The existing Collacott array and to an extent the turbine equipment will effectively be assimilated into the proposed scheme, appearing less as standalone schemes, and more holistically with the wider landscape. Existing public perceptions of the landscape is one whereby the land form is predominantly agricultural, but also contains elements of renewable energy infrastructure, where it would be logical to site this installation. Wider public views of the site are restricted. The array will be separated from other existing arrays (apart from Collacott), and collectively will not result in cumulative defining influence on the wider landscape. The proposals will have a relatively localised impact, maintaining the overall wider character of the landscape in accordance with policies ST14, ST16, DM04, DM08 and DM08A.

## **Biodiversity and 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 2010 (Habitats Regulations 2010).

Paragraphs 170 and Paragraph 175 of the framework are clear that when determining applications, if harm to biodiversity resulting from the development cannot be avoided then it should be adequately mitigated. Policy DM14: *Enhancing Environmental Assets* of the NDTLP expects new development to protect the quality of northern Devon's natural environment, to contribute positively towards providing a net gain in biodiversity and positive management of the landscape, protect the hierarchy of designated sites and conserve European Protected species, conserving the setting of the North Devon Coast AONB whilst fostering the social and economic wellbeing of the area

### Designated sites

There are no designated sites within the site boundary. The site is located within 2km of two statutory designated sites. These are the Fremington Local Nature Reserve (LNR) approximately 1.39 km to the north west of the site, and Fremington Clay Pit Site of Special Scientific Interest (SSSI) approximate 1.55 km to the north east. There are 47 non-statutory designated sites are present within 3km of the site comprising: 9 County Wildlife Sites (CWS), 1 Ancient semi-natural woodland, 37 unconfirmed Wildlife sites.

No European Protected Species Licence sites have been identified within 2 km of the site.

#### Protected species

To assess the impact on ecology, the applicants have submitted a Phase 1 '*Habitat Survey, Protected Fauna and Habitat Suitability Assessment*'. The assessments include Breeding Bird Surveys, Bat Surveys and Wintering Bird Survey, all of which were carried out by a qualified ecologist in March and November 2019. The Phase 1 survey also assessed potential habitats for Badgers, Bats, Dormouse, Otter, and Water Vole, great crested Newts and reptiles.

The survey finds that the application site principally involves fields that have been used as grassland (grazing) and arable use which are of negligible habitat value for protected species.

A badger set was recorded on the site (SS 51003 29941) with fresh signs of use. Mitigation measures are proposed to ensure no direct impact to the badger set through the proposed work, comprising a buffer zone of 10 metres limiting works around the sett. The proposal will not result in long term disturbance of Badgers, and proposed habitat enhancements will increase foraging habitats.

The Assessment shows that several species of bat were recorded within a 3km search radius. No buildings or trees on site were recorded as having potential for bat roosts. The survey identified that the existing fields and hedgerows around the site provide potential foraging habitat for bats as do streams and woodland copses. No features for tree roosts within the site were recorded. No works will impact on bat roosts on or adjacent to the site. There is a barn on site which, the survey found that the barn was of 'negligible suitability' for day roosts and no evidence of bats was found.

Although no roosts were identified, during the survey, a total of 13 species were recorded including Common Pipistrelle, Soprano Pipistrelle, Greater Horseshoe, Noctule, Brown Long eared Bats, Daubentons Bat and Lesser Horseshoe. The presence of low numbers of rarest species confirms the site has County Importance for bats with potential for impact on habitat at all phases of the development. Anticipated impacts as a result of the proposal comprise operational security lighting, loss of cattle grazed pasture as a foraging resource, increased human presence on site to complete ongoing maintenance.

This requires effective enhancement and management to ensure foraging habitat is not unduly lost, and where possible that it is actively enhanced. The loss of foraging habitat through widening of access points into fields is adequately mitigated through the provision of new hedge rows and wildflower areas as set out in the accompanying LEMP. The layout of the site has been designed to avoid the features of the site that may be used by the highest number of bats such as field boundary hedges and tree lines. The new habitats will link existing green corridors within the site, add to the effectiveness of the site to deliver foraging habitat. Post construction monitoring surveys for bats will be undertaken in years 3 and 5 post-construction with static detectors and walked transects to establish how bat activity may have changed at the site (If at all) since base line surveys. The provision of 15 bat boxes will provide biodiversity enhancements within the site. Lighting will be limited to construction hours and in

accordance with the lighting details highlighted below. A condition is included to ensure that no additional external lighting be provided or operated during the operational phase of the proposal.

A total of 42 bird species were recorded over the 3 site surveys comprising; 7 breeding, 14 probably breeding, 9 possible breeding and 12 not considered to be breeding within the survey area. The survey identifies that on site there were 2 birds listed as 'Red' Listed under Schedule 1 of the Wildlife and Countryside Act, 8 'red' listed birds of Conservation Concern, 5 'Amber' list birds of Conservation Concern and 21 within the Estuary, 6 species of Principle Importance (NERC 2006) on site during the winter bird surveys and 3 within the estuary. The Survey also returned records of numerous bird species from within 3km of the site including a Barn Owl.

The woodlands, tree lines and patches of scrub offer ideal nesting habitat for a variety of species making use of the boundary vegetation habitats around the site. These areas will mostly remain, and be enhanced through the biodiversity enhancements in the LEMP. The proposed works do not directly affect the majority of existing woodland or other features suitable for nesting of birds. Areas of grassland suitable for breeding birds will be affected, but works affecting these areas will be carried out outside the bird nesting season (March to August). If nesting birds are found, the site Ecologist will be notified and appropriate buffer zones set up and left in place until nesting ends naturally. The habitat to be created will provide additional habitat for nesting birds using the site.

The record identifies the presence of a Barn Owl within 2km of the site boundary but none within the site boundary. The barn on site was assessed as having potential for being used by a Barn Owl, but no evidence of use was identified. The Barn Owl Trust have provided comment that the closest Barn Owl nest site to the development is approx. 1.5km from the site and as this was in 2003, there is no evidence that the development will impact directly on any nest site. The site may provide Barn Owl Habitat, and the trust recommends that the vegetation below the panels should be managed to develop into rough tussock grassland which can be achieved by low density grazing of sheep, as proposed.

Long-term management of the site will include a more diverse grassland mix that will be managed more sympathetically for wildlife. Some parts of the site, in areas around the solar arrays, will be managed as wildflower meadows with appropriate cutting schedules to maximise flowering species. This will provide better nesting habitat for Skylarks, which in turn should increase nesting pairs, it will also diversify and increase invertebrate species using the site and seeding plants, which will improve the foraging habitat for all other bird species. Hedgerows will be allowed to grow more mature and be managed more sympathetically for wildlife and cut on rotation, so that any one hedgerow is only cut every 5 to 7 years and only cut outside of the nesting season. This will greatly improve the nesting and foraging habitat on site for a wide range of species and greatly increase the numbers of birds nesting on site.

The scheme will also deliver 5 Bird boxes comprising a biodiversity gain.

There are designated sites within 3km of the proposal area for supporting wintering bird populations. The site itself has limited suitability for use of wintering birds, having a low importance as a wintering bird site. Whilst the proposal will result in direct loss of

ecologically poor improved grassland fields, use of these areas by birds visiting the SSSI will be occasional and infrequent such that there will be no overriding impact on wintering bird populations. The proposals will not adversely affect boundary hedgerows, or wooded streams or copses on site. In terms of mitigation, through the inclusion of the biodiversity enhancements within the LEMP, and proposed effective hedgerow mitigation and management, the biodiversity improvements will actively encourage wintering and other bird life into the site, providing adequate improved mitigation ground cover.

One record of a dormouse was identified approximately 1km north east of the site. Woody vegetation within the site has potential to be used by dormouse and link to woodland habitat and hedgerows. Other than the field access points the hedgerows and other wooded habitat will remain and will be enhanced, and no further surveys are required.

There are 9 records of Otters within 3 km of the search area including 1 record from the watercourse to the south west of the site. No records of Otter were found within the development site. A 10 metre buffer zone limiting works within 10 metres, and ensuring no works within 5 metres of watercourses will be implemented.

There are no records of Water Vole within 3km of the development site. The site has potential to provide habitat in hedgerows or aquatic areas but is generally considered to be of low suitability. No evidence of water voles was recorded along watercourses on or adjacent to the propose development site.

The survey did not report any records of Great Crested Newt within a 3km area. The site is just outside of a Great Crested Newt Consultation Area with the nearest record being over 6km away. There are 5 ponds within the site and boundary hedgerows and woodland, scrub, piles of rubble and manure are identified as potentially suitable habitat for Great Crested Newts, with little potential elsewhere on the pastureland.

The survey returned records of common lizards, Slow Worm and Grass snake within 3 km of the proposed development but no records of protected reptiles were recorded on site. The assessment considers that the vast majority of the site is unsuitable to provide for habitat for reptiles due to the lack of cover but, acknowledges that reptiles could be present on site within the boundary features, which will be retained and enhanced through the LEMP. Other mitigation for reptiles includes habitat modification (cutting and maintaining the vegetation to just above ground level prior to works commencing to discourage reptiles), clearing these areas when reptiles are least likely to use the site (March to October) and under a watching brief and storage of materials on pallets to prevent reptiles. Excavated earth will be kept to a minimum and away from the boundaries to prevent use for temporary cover. The enhancements proposed for the site include improving the habitats along linear features, including the watercourses.

#### Landscape Ecological management plan (LEMP)

To ensure that the site can present enhancement to biodiversity and mitigation of ecological habitat the LPA has sought a detailed Landscape Ecological Management Plan (LEMP) to demonstrate how ecological and biodiversity enhancement can be achieved. The LEMP is to cover the lifespan of the development (35 years) and sets out

a strategy for the first five years following development, and future management of the site.

The benefits to be secured through the LEMP are as follows:

- Site management : The site, including the implementation of the measures in the LEMP, will be funded and managed by 'ND Solar Enterprises Ltd'. Contractors and suitably qualified biodiversity and ecology experts will be appointed by ND Solar Enterprises Ltd to ensure the correct level of expertise remains available. A condition is included that the proposal is carried out in accordance with the LEMP which includes management by the Management Company or an appointed successor.
- Reduction of biodiversity impact at construction phase: If new or additional trenching is required it will be undertaken with Discussions with designated ecologist and the LPA.
- Retain boundary hedges and trees : protected by 4m buffer zone as standard. Any roots outside the buffer zone will be reported and assessed
- Prevent mammals entering the construction zone: Visual checks on vegetation/earth to be removed to ensure no impact on mammals and pre-construction tool box talk with site managers to explain process.
- Prevention of pollution of the landscape throughout the life of the scheme 4m Buffer zone with any watercourse or field drain. No excavated materials to enter water courses. Fuel/other hazardous substances stored appropriately. Clean up measures
- To reduce light pollution during construction works :Lighting to be directed away from retain boundaries and field divisions and trees to protect roosting/ foraging/ commuting. 2m dark buffer zone around all hedgerows throughout construction phase. Between dusk to dawn all lighting turned off. No lighting over 2000 lumens (150 W) to be used for fixed/permanent lighting on site in accordance with the Bat Conservation Trusts Bats and Lighting in the UK (2009). Permanent lighting to be LED with warm white spectrum. Peak wavelengths less than 550nm to avoid bat disturbance. No fluorescent lighting used.
- To provide improved shelter and foraging opportunities :planting new hedge banks and areas of woodlands, planting wildflower meadows around panels to change semi improved grassland into a more diverse grassland, all of which improve the existing habitat and overall biodiversity gain within the site. Provision of 5 bird 15 bat boxes and insect boxes on trees within the site
- Creation of new habitats/improve connectivity/enhance wildlife corridors  
Management of site to create diverse grassland and wildflower habitat

#### Biodiversity net gain and DEFRA Metric

The Biodiversity Metric shows that the only loss of habitat will be around the footings of the panels, equipment cabins, and new tracks. The Headline results of the Metric

shows a 26.92 % net gain in habitat units and 15.20% net gain in hedgerow units across the site, which is in excess of the required 10 % net gain. Overall 46.5 ha of enhancements will be delivered including buffers around all water courses and ponds, field margin buffers and grassland set-aside.

In line with part 15 of the Framework and policies ST14 and DM08 of the NDTLP, the scheme will deliver good biodiversity gain through the LEMP. There is no net loss of biodiversity or predicted significant losses of habitat, because the development of the site will not lead to wholesale loss of habitat. As the Metric illustrates, there will be a significant gain in biodiversity and habitat in excess of the required 10% gains. The monitoring regime within the LEMP promotes effective management of all retained and enhanced habitats, including the bat/bird boxes, monitoring these for condition and value and remediation if not meeting standards. This provides habitat for species and for foraging and commuting for the lifetime of the proposal and beyond.

The LEMP and the ES (paragraph 10.251) states that part of the management of grassland will be by sheep grazing to mitigate the loss of grassland for foraging species. This grazing will be non-intensive and moved around the site regularly to allow a diverse sward to develop, following wildflower seeding. The delivery of the LEMP will increase habitat provision. The new habitats will add to the effectiveness of green corridors, linking to established foraging routes and linking to the nearby County Wildlife site. The erection of bat and bird boxes will assist in promoting the enhancement of protected species. The detail contained is sufficient to secure and monitor the delivery of a net gain for biodiversity in accordance with the mitigation hierarchy set out in paragraph 175 of the NPPF and at 13.59-16.64 of the NDTLP.

Overall it is considered that subject to conditions to ensure the scheme is carried out in accordance with the details of the LEMP, the proposal will enhance the biodiversity value of the site and provide effective ecological mitigation, improving habitat in accordance with the aforementioned legislation, policies ST14 and DM08 and with paragraph 170 and 175 of the framework.

### **Impact on Designated Heritage Assets and Archaeology**

Archaeology and heritage impacts are summarised at PS242 of the planning statement, and considered in more depth at part 12 of the ES.

The significance of large scale solar development on heritage assets is derived from both its physical presence and physical impact on any fabric of a heritage asset, and also from its setting. Due to the scale of the development there is potential for large scale solar PV to harm the setting of heritage assets. The Decision Maker must pay particular note to the effect of the scale, design, prominence and proximity of the solar farm on heritage assets and their settings, and the interdivisibility between the heritage asset and the solar development. Where the effect on the setting of the listed building will be less than substantial, the Decision Maker must balance the significance of harm of the development against any positive public benefits to be derived from the scheme.

Policy DM07 and Paragraph 189 of the framework is clear that in determining applications the LPA must require the applicants to identify and assess the particular

significance of any heritage asset that may be affected by the proposal taking account of evidence of heritage expertise.

Paragraph 194 of the framework is clear that any harm or loss to the heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 196 is clear that where developments will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal.

The Heritage Assessment provides an assessment of the impact of the solar development on heritage assets, taking account of the significance of heritage assets identified (within 2 km) and the magnitude of effect in terms of whether there will be substantial harm, less than substantial harm and no harm in accordance with Paragraphs 193 -196 of the Framework. The assessment also considers wider heritage assets such as the Scheduled Monument on Codden Hill.

The site does not contain any Heritage Assets in terms of listed buildings or other heritage assets. Therefore the proposal is considered in terms of the impact of the development on the setting of heritage assets within a 2km and 5 km radius.

There are a number of listed buildings within the 2km ZTV radius:

- Orchard Farm, Grade II listed, located approximately 500 metres to the North West with the curtilage located approximately 330 metres to the North West.
- Pyewell, Grade II listed, located approximately 860 metres to the south west with the curtilage located approximately 830 metres to the North West.
- Rookabear Cottage, Grade II listed, located approximately 730 metres to the North East.
- Higher Rookabear, Grade II listed, located approximately 590 metres to the North West with the curtilage located approximately 550 metres to the North West.
- Fullingcott Farm, Grade II listed, located approximately 1.56 km to the North West
- Barley Stack Cottage, Grade II listed, located approximately 1.4 km to the west.
- A group of Grade II listed buildings comprising East Barton Farm, Stone Haven and The lodge located approximately 1.5 km to the south.
- Eastacombe House (Eastacombe) Grade II listed, located approximately 1.6 km to the north east.
- At Horwood – St Michaels Church, a Grade I listed building, The Courtledge, Grade II listed building, Church Cottage, Grade II listed building located approximately 1.9km to the south of the development site.
- At Higher Lovacott, Cross Park Farm, a Grade II listed building located approximately 1.5km to the south east.

The scheme also assesses heritage assets within a 5km radius of the site including from Codden Hill; the Grade I Church of St Peter and Grade II St Michaels School approximately 4.2km to the east of the site.

The LPA agrees with the Conservation Officers comments that the proposal will not directly affect the fabric of any designated heritage asset. The LPA also concurs with the Conservation Officers consideration that given the topography of the area, and intervening vegetation it is unlikely that there will be obvious intervisibility between localised listed buildings and the solar farm. The Conservation Officer makes clear that due to the scale of the proposal, despite intervisibility, the development will appear within the setting of the listed buildings. As this is not a feature typically found within the setting of heritage assets, there will be change to the landscape.

From further afield the development will be apparent from raised areas such as Codden Hill Beacon, and will be viewed in the backdrop of St Peters Church and St Michaels School at Tawstock, and from the Codden Hill Beacon. These will be extremely distant views of the eastern section of the site which will not affect the significance of these heritage assets.

Orchard Farmhouse occupies an elevated position with views over fields 1-6, and vistas to the east. The assessment acknowledges that views to the east across the valley contribute towards the rural setting of the farm house, forming part of the rural landscape. The assessment considers that the principle historic setting of the farmhouse comprises the immediate vicinity of the house, and principally to the front, reflecting the rural quality and architecture of the farmhouse. The wider landscape to the east forms part of the wider rural vista, but the solar farm will not adversely affect the historic frontage of the listed building. The eastern vista will change with partial views of the site through gaps in the vegetation, but the immediate setting will still retain a distinctly rural appearance.

The assessment concludes that the solar installation will occupy a relatively modest part of the landscape, which will be mitigated further over time with the inclusion of the proposed planting in the LEMP, to conclude that this will not affect the experience of the farmhouse frontage nor its rural context, and will not affect the key elements of historical significance at the front of the building. The assessment further concludes that the effect on the significance of the farmhouse would be no more than a low level of less than substantial harm from the loss of a section of the rural setting to the east of the farmhouse.

Given the separation distance of the site from Orchard farm and from Rookabear Cottage and Higher Rookabear, and given intervening vegetation and topography, the LPA concurs with the findings of the Heritage Assessment that the views to the east already contain industrial elements, including the Collacott Solar Farm which are clearly visible from Orchard Farm. Whilst the landscape will change, the change to the setting of the listed buildings will not be severe and, as assessed by the Conservation Officer, will have a less than substantial harm to the significance of heritage assets.

From further afield the low level of the solar farm will appear less visually impacting on the setting of heritage assets. Whilst apparent in the landscape, this will not result in substantial harm to the setting of heritage assets in the wider landscape.

The Heritage Officer is clear that the effect of the scheme on the heritage landscape will be '*less than significant*', and that the scheme should therefore be assessed under the terms of paragraph 196 of the framework whereby, the public benefits to be derived

from the scheme must be assessed against the impact on the setting of the listed buildings. In this case, there are no direct effects on the fabric of heritage assets, and the impact on the setting is not considered to be so severe as to comprise significant detriment to the setting of the identified heritage assets. This scheme will be visible in the landscape, but retains field boundaries and patterns within the landscape. The degree of physical change is affected by the panels themselves, but this is temporary development, and following decommissioning phase, will revert back to its original rural form. On balance the scheme results in moderate to small alterations to the setting of listed buildings and does not adversely affect the desirability of the framework and the local plan to preserve the historic environment. The public benefits in terms of production of renewable energy and social and economic gains are not outweighed by the less than significant impacts on the setting of the identified heritage assets, accordant with ST15 and DM07 and the terms of paragraph 196 of the framework. .

### Archaeological impacts

The scheme is accompanied by an Archaeological desk based assessment at Chapter 12 of the ES and by the results of Geophysical survey and archaeological monitoring and recording carried out within the site. A number of geophysical anomalies were identified which required further investigation. The survey data analysed that there are a number of areas of archaeological interest within the site.

The North Devon Archaeological Society and the Devon County Archaeologist have been consulted on the application on the basis of the geophysical evidence submitted. Given the potential for presence of areas of archaeological importance the historic Environment Team advised that the proposed development must be amended to minimise or remove below ground disturbance.

A Written Scheme of Investigation was submitted containing a programme of archaeological works (Foundations Archaeology dated November 2020 V1.0) detail site methodology and survey recording to take place by qualified persons.

The Scope of the work has been agreed with the HET, and following a trenching exercise on the site, the report identifies the archaeological potential of the site to contain prehistoric and Romano-British activity within the propose development site. Whilst HET do not consider that the significance of these heritage assets is worthy of preservation in situ, but the impact of the development on the archaeological resource must be mitigated by a programme of archaeological work that must investigate, record and analyse the archaeological evidence that may otherwise be destroyed by the development. The Historic Environment Team therefore recommends that this application should be supported by the submission of a further Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

A suitably worded condition is included on the grant of permission to ensure that the WSI is submitted.

## Effect on Amenity

The NPPF at paragraph 127 states that planning should always seek to secure a high standard of amenity for existing and future occupants of land and dwellings. Policy ST16 b) states that renewable energy development will be supported in the landscape character types where *'there is no significant impact on local amenities'*.

Policy DM01 a) of the NDTLP supports development where it would not significantly harm the amenities of any neighbouring occupiers or users. Policy DM04 i) supports development where the scheme ensures the amenity of existing and future occupiers are safeguarded.

The site is located in close proximity to Brookham House and within 200 metres of the rear of the group of properties at Higher Litchardon. There are a number of other properties

## Visual amenity

Through the course of the application the LPA have received 56 letters of objection and 46 letters of support for the proposal. The comments are summarised in the representations section of this report. Many of the objections raise concern in respect of visual impact, noise and potential glint and glare.

Through visiting the site, and following receipt of objections from occupiers of property local to the solar farm, the LPA are aware that there are a number of residential properties within the 500 metre radius of the site. These are; Brookham Farm, Higher Litchardon Farm and properties at Higher Litchardon, Green fields, Voscombe, Huish Moor, Orchard Farm, Furze Moor, Collacott Farm Phelmont House and New House.

In assessing the impact of the site, the visual effect of the array is considered in terms of where the greatest magnitude of change will occur and what mitigation measures may be appropriate. As well as the applicant's assessment in their ES, the case officer has traversed the site, assessing views from various key properties close to the site and where specific objections were raised at Higher Litchardon, Brookham and Huish Moor. The assessment below looks at what mitigation measures have been provided.

## Brookham Farm

Brookham Farm is positioned between fields 19-21 and adjacent to field 9. The front of the property with the principle open vista views faces to the east towards fields 19, 20 and 21. The lay of the land rises to the east where the top of field 19 will be apparent with side on views of the panels visible. Views of 20 and 21 will be less prominent due to the fall of the land to the south east. The LPA raised concern that the side on views of panels in fields 19-21 would be visually apparent from the front of Brookham, considering that there was opportunity to mitigate the impact with appropriate screening provision. Therefore, the application proposes a bund of mitigating woodland planting to the west of field 19 and 20 as shown below.



*Brookham Farm in relation to site*



*Proposed planting in LEMP*

It is acknowledged that the planting will take time to establish, and that there will be a period where the panels will be visible whilst the planting takes hold as illustrated above. Over time the views to the east of Brookham towards the western flank of field 19 and 20 will be reduced by the planting.

To the rear of Brookham, the land form falls to the south and west allowing a relatively unobstructed vista of the majority of the site. Views from the rear of the dwelling are restricted by several large pitched roofed agricultural buildings which provide effective screening from the rear of the two-storey farm dwelling. A new bank of broad-leaved trees are proposed along the southern/south eastern flank of Brookham which will, in time provide softening planting restricting Views of the rear/side of the arrays from the south and south eastern flanks of Brookham. Further to the west, the rear of the array will be visible from agricultural land.

Given the scale of the proposal, the scheme proposes landscape mitigation which will, in time provide effective screening mitigation to offer protection to the occupiers of Brookham.

Higher Litchardon comprising Meadow Cottage, Rose Cottage, Acorn Cottage and Fern Cottage.

Properties at Higher Litchardon are located to the south east of the site. Objections have been raised from Higher Litchardon and from Meadow Cottage raising concern in respect of the visual effect of these fields on the quality of amenity currently offered.

At the rear of Higher Litchardon there are first floor and dormer windows from which the site will be apparent. Amenity space at ground floor is relatively well screened by boundary vegetation but there are spaces in the vegetation and boundary treatments where views will be attainable. The land falls to the north of Higher Litchardon but views of fields 19 and 20 will be attainable.



*Higher Litchardon to the south of fields 20/21 Proposed planting in LEMP*

To seek to address concerns the LEMP shows provision of a new bank of planted broad leaved woodland to the south of field 21. Within the site it is proposed to improve the field boundaries of fields 19 -21. Again the planting will take time to establish, but, once established, and when managed, from eye level views of the site will be reduced. The photo shows existing established field boundaries to the right which will be bolstered by the new vegetation providing screening at ground level. Views of the site will be attainable from roof dormers. The plans and photos show the separation between the site boundary and Higher Litchardon, a distance of approximately 140 metres

### Huish Moor

Huish Moor is located to the south west of the site at a distance of approximately 760 metres from the nearest point of the proposal. Huish Moor is separated from the array by the landfill site, and by established vegetation along Kittymoor Brake which provides effective screening of lower parts of field numbers 2, 3 and 4. The landform rises towards field 1 and this will be apparent from the rear aspect of Huish Moor. With views of the site attainable from a single side window in a kitchen area and from a raised patio and windows to the rear in winter months. During the summer, views of the site will be partially restricted by established hedges bounding the north east of Huish Moor.

Objections were received from the owner of Huish Moor and the case officer was able to visit in summer 2020 to assess the site. It is apparent that from the rear of Huish Moor the existing Collacott site is visible and, part of the proposed site will also be visible. Although the proposal will be apparent, it will not be a defining feature from views at Huish Moor.

### Greenfields and Voscombe

Both properties are located approximately 350 metres from the site on the elevated Voscombe to Holmacott Road to the south of the site. Both properties principle elevations face to the road. Greenfields is positioned approximately 370 metres from the southern flank of field 17 and 18.

The front of the dwelling faces away from the site looking south. The group of buildings are elevated above the site being located on the crest of a hill. Principle views from the dwelling are to the south, away from the site. The dwelling is screened by intervening hedgerows to the south of Greenfields, and partially by outbuildings at Voscombe to the North West. Views of the southern flanks of field 18 would be partially obscured by an existing copse of trees in fields to the south and by lower field boundaries. The LEMP shows the provision of a hedgerow along the southern flank of the site which will partially mitigate immediate effects from panels in field 17 and 18. Views of panels further to the north will be attainable.

Voscombe is situated along the rural road from Voscombe Cross to Holmacott. The site comprises one dwelling with principle views south to the road, and views from the rear, well screened by 2 out buildings within the site. Views from this dwelling are to the south, away from the site. Amenity space for Voscombe is located to the south east, in the opposite direction from views of the solar arrays. At the rear is an agricultural yard containing a number of agricultural outbuildings which provide effective screening of the site from the north. Views of the raised sections of the site would be attainable from the agricultural yard to the north of the site

Views from Holmacott have been assessed as part of the LVIA.

#### Prospect House and New House

Although no objections have been received from either property, the connection compound will be located approximately 110 metres to the south of New House.



*Proposed planting in LEMP to South West*

The wider site will not be visible from these properties due to the lay of the land and intervening vegetation.

Policy ST16, DM01 and DM04 and paragraph 127 of the framework, are clear that there should be no significant impact on local amenities. There are a number of properties in proximity of the development site, and there have been objections raised because of this proximity. Due to the large area of land used for the site the development will be

experienced from certain views and properties as described in the supporting statement and above.

The assessment carried out by the applicants is considered to identify the most affected receptors and provides detailed assessment of the likely impacts of the development on these receptors. The applicants contend that *'significant effects on visual amenity can be perceived as beneficial, adverse or neutral'*. It is clear that without mitigation, effects from Brookham and Higher Litchardon would be significant. With the introduction of the landscaping as shown above, the immediate visual effects of the scheme will be mitigated over time such that the adversity of the visual impact would be reduced. The site is largely obscured from localised views by the topography of the land, the height of the panels, and the screening mitigation will in time reduce the visual impact.

No lighting shall be permitted on the site and CCTV is limited to the Substation and Compound.

### Noise Impacts

Noise impacts are considered at Chapter 13 with reference to the *'Hayes Mc Kenzie Noise Impact Assessment'*. Construction noise from creation of the plant and machinery and access tracks has been assessed, and the impact of construction traffic on residences neighbouring the site. Noise from the plant and machinery during operation of a solar farm would not generally be considered as a significant problem, due to its static nature.

Noise generating equipment will be present in the substation and inverter stations. The nearest residential properties to the station are approximately 100 metres to the north of the substation area.

Modelling shows that worst case down wind noise levels would exceed the 35 dBL rating level set in BS 4142, at three properties when the site is at maximum operation. Noise from construction work will be as a consequence of development, where it is concluded that the overall average daytime noise levels associated with construction will be relatively low and will not exceed relevant daytime noise limits. Noise impacts and disturbance would be for limited periods, as a result of the construction and decommission phase, and will be managed by restricting deliveries to specific times and informing residents of intensive periods of construction. The noise assessment indicates that predicted Operational noise levels at neighbouring receptors will meet the proposed 35 dB (LAEQ) criteria.

Environmental Health have reviewed the Hayes McKenzie report findings and have discussed with the applicants how such impacts may be mitigated. Whilst Environmental Health are generally satisfied that noise is unlikely to result in significant problematic amenity impact, a condition is proposed to secure the provision of a noise mitigation scheme to ensure that prior to the first operation of the development, the noise mitigation scheme will demonstrate that the site shall not generate excessive noise from the operation of the equipment. For the avoidance of doubt, mitigation measures shall ensure that the agreed target criteria of a BS4142:2014 +A1:2019 rating level of 35dB LAeq is achieved at all nearby residential properties (including at outside amenity areas) existing at the time permission is granted. This is necessary to protect

the amenity of neighbouring residents from the effects of noise in accordance with Policies DM01, DM02 and DM04.

The EH Officer confirms acceptance of the above condition which will require the submission of a suitable noise mitigation scheme to address any noise impacts identified, and is included on the recommendation of approval. There is no evidence to suggest that the proposed equipment will generate any significant changes in the ambient noise levels over the lifetime of the operational phase. The Councils Environmental Health Officer is satisfied that with the imposition of the condition to control noise the scheme may operate such that the problems associated with noise would not be so great as to warrant refusal of the scheme.

### Construction phase impacts

Impacts from the construction phase will be primarily through the creation of site access tracks, the inclusion of the panels and equipment and the transformer and substation prior to operation of the site. The construction phase is envisaged to take around 3 months to complete which would not be unreasonable for a scheme of this scale. During construction and decommission phases deliveries are restricted where possible to off-peak weekdays to reduce impact on local road users, typically between 09.00 and 15.00. HGV movements will be split between the 5 proposed site entrances and entrance to the construction compound. Larger exceptional loads will be infrequent and are not perceived to cause significant impact to traffic or to local residents.

Environmental Health have considered the potential for impact to local residents during construction phase. To ensure the amenities of nearby residents are not affected by noise, dust or other impacts during the construction phase of the development a Construction Environmental Management Plan (CEMP) is requested by condition. This will detail measures to regulate construction traffic to the site, including times, import/export of soils/spoils, removal and disposal of vegetation/materials from the site, location of stockpiles, detailed measures to prevent mud leaving the site (Wheel washing facilities), control of dust from the site, a noise control plan detailing hours of operation and proposed mitigation measures, location of site offices and on-site parking during the construction phase.

A Contaminated Land Reactive Condition is recommended by Environmental Health to ensure that any contamination which may become apparent through the construction phase, is dealt with appropriately at the time.

To limit the impact of the scheme in terms of disruption from construction works a condition is recommended limiting the works between 07.30 and 18.00 Mondays to Fridays and 0800 to 1300 on Saturdays and not on Sundays or Bank Holidays. This will limit development time outside of anti-social hours.

### Operational Phase Impacts

As set out the operational phase impacts will be minimal. The site will be controlled by remote monitoring, and site visits, typically limited to once a month for maintenance purposes. Annual servicing will also occur.

## Decommission Phase Impacts

The applicants are clear at B.19 of their non-technical summary that at the end of the operating life of the solar farm, the panels and all associated infrastructure will be decommissioned within a time period of 2 months.

A suitably worded condition is included so that when the land ceases to be used as a photovoltaic park for renewable energy, or at the end of a period of 35 years from the date of grid connection (the date to be given to the LPA within one month of grid connection) the site must be decommissioned and all materials and equipment associated with the operation of the site removed, and the land restored to its former condition or otherwise as agreed with the LPA.

Similar to the construction phase, the LPA would wish to see details securing the safe removal of the solar farm in line with a decommissioning strategy within the CEMP which would be enforceable, running with the site.

## Glint and Glare

Glint and Glare is addressed at paragraph 3.50 of Volume 2 of the ES and at Chapter 11 of the LVIA and at Appendix 11.5.

The whole concept of solar development is to absorb as much light as possible to produce effective energy production. The G&G document considers that as much as 5% of the sun's light will be reflected from the panels. Solar panels are designed to absorb as much light as possible, whilst reflecting as little as possible away, to effectively create the energy. The intensity of reflected light from the dark blue coloured solar panels, and the relatively thin frames, can be compared to the effect of still water and is considerably lower than for other man made materials such as glass, steel or white concrete.

The report identifies 15 dwellings which may be potentially impacted by G&G and 26 points along the A39 Link Road within 2km of the site.

## A39



*G&G assessment A39*

The report found that there is moderate potential for reflections to be perceived along portions of the A39 in the morning and afternoon between points 5 and 10 on the map above, and at point 14 and 15. The report identifies the impact as moderate. Where such moderate impacts may be perceived, mitigation is proposed to the north in the form of planting to screen panels. To the south between points 14 and 15 due to the angle of the road, it is difficult to provide effective mitigation, and there is a section of the A39 where the panels will be perceived looking to the north east where the applicants judge the impact in this section.

Devon County Council Highways Authority have assessed the proposal and have raised no objections in respect of the effect of Glint or Glare on the A39 or the local road network. Given the relatively low height of the panels and the angle of the panels and given the terrain and screening no anticipated severe impacts are predicted to users of the highway.

### Dwellings



*G&G assessment residential properties*

The G&G report identified 28 dwellings in the field of assessment which may be potentially affected by G &G. Of the potential receptors the report identifies that there may be potential for moderate potential impacts on properties 21-24 to the north east of the site this is predominantly from the fields of panels to the north east, facing south.

The applicants have confirmed that they are content for a suitably worded planning condition to be applied to permission such that should permission be granted and should glint and glare become apparent these impacts are suitably mitigated the impacts from Glint and Glare are mitigated.

Given that the intensity of reflected light is likely to be similar to that from still water, and the absorption capacity of the panels, taking this into account, and the provision of the landscaping mitigation, and considering the comments of Environmental Health and DCC Highways, whilst the proposed array will be apparent from parts of the A39 and parts of the local rural road network, and from properties in the vicinity of the site, the LPA is not convinced that the glint and glare from the scheme will be so harmful to the character of the countryside, or to the road system or local properties to warrant its refusal in respect of EIA impacts.

The imposition of the recommended Glint and Glare mitigation condition from EH will ensure that if such matters become apparent, they will be duly addressed.

## Highways and access

At paragraph 108 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 109 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 local highway network is considered through the ES Chapter 8: *Traffic and access, and at Appendix 8: 'Transport and access'* which contains and at paragraph PS295 of the Planning Statement. The Statement contains details of Traffic Count Data and Crash Management Records as well as a Draft Construction Traffic Management Plan.

Vehicular access to the site for both construction and maintenance traffic would be via the M5, the A361, the A39 for one junction, the A3125 at Roundswell, then along Old Bideford Road past Roundswell to the proposal site at Litchardon shown in green above. The proposed delivery route avoids traffic using smaller rural roads, and avoids the majority of villages in the vicinity of the site. The proposal will take approximately 3 months to construct and deliveries can be spaced out throughout the construction period.

The traffic assessment at Chapter 8 considers that the road width and junctions serving the site are adequate for the intended use for HGV traffic. The Old Bideford Road and surrounding network is already used for larger HGVs serving the Coles site. The report considers there is low potential for damage to highway verges, and accepts that any damage that may occur is the responsibility of the developer to rectify.

The Transport Assessment considers that deliveries to the site will be at 'off-peak' times between 09.00-15.00 and advanced warning notification will be provided for potential delay to road users. The developer will liaise with DCC Highways and Police Prior to the construction phase commencing. It is anticipated that there will be one 'Exceptional load' to the site which the developers will liaise with the Authorities and appropriate escort provision made. Construction traffic will use the access route from the A39 using HGV capable roads serving the site. The Assessment provides baseline conditions assessment, assessment of potential traffic volumes and impacts on minor roads. Automatic Traffic Counters have been used to accurately assess traffic levels between June 2019 and July 2019. Crash map data is provided at 8.45 which shows of the 2 roads to be used to access the site there is only 1 accident recorded for 2009-2018.

The proposed 5 site entrances are shown at highway plan documents numbered 6.3-6.8 (gate access plans and site access details). All show good access into the site, and that visibility may be achieved into the rural road network in accordance with Design Manual for Roads and Bridges (2020) and the Department of Transport's Manual for Streets (2007).

Predicted impacts in terms of changes in the volume and nature of the traffic to the site will occur mostly at Construction and Decommissioning phases, and once completed the site will be visited occasionally for maintenance and security purposes.

Devon County Highway Authority have been consulted and confirm that they have '*no objections to the proposed development in light of the visibility provision at each of the access points to the site and traffic, during construction and post-construction, being at a level that does not raise issues of safety and/or convenience*'.

On this basis, whilst there is likely to be a degree of short term inconvenience to highway users during construction/decommission phase, the framework is clear (Paragraphs 109) that to be resisted on highways grounds, there must be severe and cumulative impact, of which DCC Highways do not consider will be the case. Impacts are for a relatively short time period, and there will be no significant effect on users of the highway during the operational lifetime of the solar farm.

Site access is considered to be safe, and appropriate and further details of traffic management and wheel washing etc. will be secured through the provision of the CEMP as conditioned. With the imposition of this condition, the construction phase and decommission phase can be adequately managed without significant or severe harm to the strategic or local road network, and will not have adverse cumulative impacts during the operational lifetime of the development to cause significant danger to all road users accordant with part 9 of the framework and with polices ST10, DM05 and DM06 of the NDTLP.

### **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. Where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere.

Tributaries to the Fremington Pill are located to the west and south of the site and a Tributary to the River Taw is located to the east of the eastern boundary. The majority of the site (With the exception of the North West fields) is within the Critical Drainage Area.

The EA response of 4th August 2020 raises no specific comment or objection to the scheme regarding displacement of flood flows or impact to flood storage nor to the development of the site within flood zones 2 and 3, and refers to relevant advice in considering the scheme. There is no substantive objection from the EA.

The FRA notes that the majority of the site is in FZ1 with a small section of the southern part of the site within FZ2 and 3 as shown on the mapping. The FRA concludes that the areas within FZ2/3 are a relatively dry valley. To reduce risk of flooding in areas of FZ2/3 the panels are raised to the same height as the surrounding land form outside the flood zone and no high voltage equipment will be located in the flood zones. Site boundaries have been designed to minimise the ingress of water into FZ 2/3. The proposal would manage surface water runoff via 'scrapes' and 'swales' shown on plan

9.3. The plan shows the swales would drain to existing water courses and would be a depth of 0.3m

It is likely that the proposed surface water runoff measures will be effective in preventing significant flooding or silt run off. The DCLLFA recommend the imposition of a condition which is considered reasonable and necessary to demonstrate that the proposed surface water drainage system will operate correctly, and will not increase flood risk either on site or elsewhere. This will form a pre-commencement Condition attached to the permission.

South West Water have advised that SWW has no objection in principle to the development. A public trunk water mains runs within the site whereby no building or structure would be permitted within 3.5m of the mains which is shown on the approved plans.

### **Site security**

The proposed fencing comprises Deer fencing which is common place type of fencing associated with solar pv development and is supported by the BRE guidance – *Planning Guidance for the development of Large Scale Ground Mounted Solar PV systems* as a less obtrusive method of fencing. The proposed fencing will be apparent at points around the site, but will not have a markedly adverse effect on the quality of the landscape accordant with the BRE guidance.

The Police Architectural Liaison Officer (PALO) raises no overall objection to the scheme, and notes the proposal for various compound fencing and Provision of CCTV around the Substation area at Prospect Corner. The applicants have submitted a location plan showing the position of 4 CCTV units around the substation area to the north of the site (Prospect Corner). In his response of 27<sup>th</sup> October 2020 the PALO has noted the position of the CCTV and has raised no further concern. The PALO considers that *'the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it form part of an overall security plan'*. To ensure that the CCTV is effective the PALO recommends that prior to installation, to ensure the system will be fit for purpose a *'passport for compliance document'* should be drawn up to ensure the CCTV will be fit for purpose in accordance with *BS EN 50132 -7: CCTV surveillance systems for use in security applications*.

This requirement forms an informative on the grant of permission. To protect the amenities of properties at Prospect Corner, a condition is included that these CCTV units be fixed units and positioned to face into the substation area and not towards any neighbouring properties.

### **Other Matters**

The CPRE raise objections to the scheme on technical grounds, *that the scale of the solar farm has been kept below 50 MW, that the electricity production is exaggerated, and that CO2 emissions saved in respect of manufacture of the solar farm and associated with the electricity network are not shown, and the scheme does not address the Impact on the wider electricity grid.*

The LPA is responsible for handling all Renewable Energy projects of 50MW or less. At 49.9MW the scale of the development falls below the Nationally Significant Infrastructure Project (NSIP) thresholds, and is not required to be determined by the Secretary of State (SoS). Notwithstanding this, LPA has consulted the SoS as part of the decision making process and no comments or call in to be considered has been received.

The land holding could theoretically accommodate increased capacity of panels, but, the site layout has been provided with the aim of limiting the visual impact of the proposal where practicable. To increase the capacity would potentially involve increased density of rows or numbers of panels and associated infrastructure on the site which would be undesirable within the wider landscape. It is not considered reasonable to request that the site capacity be increased, and in the absence of comment from the SoS the proposal has been duly considered by the LPA.

In terms of 'exaggerated output' the applicants present information regarding how the electricity output has been calculated. The predicted electricity production is taken using 'PV Syst Photovoltaic Software'.

At paragraph 154 (a) of the framework proposals for solar development are not required to demonstrate the overall need for renewable carbon energy, recognising that even small scale projects will provide a valuable contribution to cutting greenhouse emissions. Applying this national requirement, this site at 49.9 MW will contribute significantly to the production of low-carbon energy. The data for proposed approximate electricity production has been assessed specifically for the Litchardon site and may not correlate with data for electricity production for other sites. The whole concept of delivering this site is to maximise electricity production from a Renewable Source to maximise output and therefore, profitability of the site. Therefore it is in the interests of the applicants that the site delivers the 49.9 Mw of electricity and there is no substantial evidence to suggest this would not occur. It would not be in the interest of the applicants to design a site which could not perform to its maximum capabilities.

The applicants set out that reliability of supply *'is a well known benefit associated with 'embedded' electricity generation connections to the Local Electricity Distribution Network, as recognised in National Policy Statement (NPS) EN1 (see Paragraphs PS58 and PS59 of Planning Statement), and within Planning Practice Guidance: 'Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.'* Paragraph: 001 Reference ID:5-001-20140306.'

The LPA has no evidence to suggest that this scheme will be contrary to the requirements set by EN1.

In respect of CO<sub>2</sub> emissions, paragraph 154 of the framework is clear that when determining applications the LPA must take into account the valuable contribution that Renewable Energy makes towards cutting Greenhouse Emissions. This provides carbon emissions data associated with the electricity system as a whole which is updated annually. The figures for carbon emissions take into account the electricity system as a whole, and all of the varieties of electricity generators, including Renewable

Energy. The figures are based on the entire electricity grid and provides conversion factors for 2019 published in 2020.

CPRE consider that the emissions data is incomplete including only emissions that would be produced by the average of the UK electricity generation sources. CPRE consider that factors such as; CO<sub>2</sub> emissions during the mining, processing, refining, manufacture and transport of all major components, decommissioning and disposal of all components, and; Increased CO<sub>2</sub> emissions resulting from gas-fired power stations having to operate inefficiently by raising and lowering their power output to counterbalance the varying power output of the solar farm, should be taken into account. The LPA must consider the information presented. The whole concept of the scheme is to provide low carbon energy.

Emissions are examined at Volume 2 of the ES Chapter 14 – *Socio Economics and Sustainability* paragraph 14.42 which refers to the *UK Government Greenhouse Gas Conversion Factors for Company Reporting*. The offset conversion factors for the site are provided through table 14.1 and the conclusion of this is that the site will deliver an offset of 15800000Kg CO<sub>2</sub> per annum, whereby the project will provide a significant contribution towards the Net Zero targets by 2050. The applicants provide further information pointing out that the IPCC studies which inform the UN Convention on Climate Change determined that *'a range of technologies can provide electricity with less than 5% of the lifecycle GHG emissions of coal power: wind, solar, nuclear, and hydropower in suitable locations. In the future, further reductions of lifecycle emissions on these technologies could be attained through performance improvements and as a result of a cleaner energy supply in the manufacturing of the technologies.'*

The scheme will clearly provide low carbon energy. The applicants have stated that they cannot provide a site specific calculation to the specific CO<sub>2</sub> production because the exact carbon footprint is linked to each manufacturing component. In any event, the construction of the site to provide carbon offsetting in the long term will necessitate a degree of manufacturing and will require parts to be delivered and accumulated. IN their letter of 13<sup>th</sup> October 2020, the applicants provide a calculation for roughly how long it will take the Litchardon Solar farm to 'pay back' its carbon footprint associated with the manufacture of the panels. Based on the data, the timeframe predicted to 'pay back' the carbon footprint of the scheme is 1.1. years of the lifetime of the scheme after which time it will carry on producing low carbon energy offsetting CO<sub>2</sub> emission from development or decommission of the site:

In this respect the scheme will be a low carbon energy producer, and the LPA supports this, accordant with paragraph 154 a) of the framework.

The applicants have pointed out that advice contained in EN-1 recognises that it is 'critical' to support secure and reliable supplies of electricity as well as making the transition to low carbon economy. The provision of the solar scheme will support the move towards Low Carbon sources of Renewable Energy seeks to achieve additional security of supply through sufficient electricity capacity, to meet demands at all times. The proposed solar scheme will contribute positively towards the production of renewable Low Carbon energy within the wider national grid whereby, in accordance with the framework, substantial weight must be given to the provision of such Low Carbon energy.

## **Planning Balance and Conclusion**

Assessing the application against the relevant National and Development Plan policies, there are important factors to consider in terms of landscape visual impacts, the effect on local amenity, and the impact on the historic environment. There are also a number of material factors which hold significant weight in determining this application as an approval.

This scheme accords with the provisions of the National Planning Policy Framework to contribute to the achievement of Sustainable Development, in presumption of the social, economic and environmental sustainable principles providing the following benefits which must be given sufficient weight in determining the application:

Benefits of delivering the scheme:

- This scheme offers opportunity to show that north Devon is committed to reducing its carbon footprint and is actively promoting renewable energy schemes. The proposal will result in an increase in generation of a clean source of renewable energy for North Devon. The scheme will contribute positively towards the provision of Renewable Energy to meet the National aims of reducing Greenhouse gasses, and towards the Strategic Vision for North Devon to move towards Net Zero carbon energy production by 2050 in accordance with part 14 of the framework and policies ST02, ST03, ST16 of the NDTLP.
- The development contributes positively towards the presumption in favour of Sustainable Development reflecting the 'Golden Thread' running through the framework in terms of social, economic and environmental objectives of the framework accordant with part 2 of the framework and with policy ST01 and ST07(4) of the NDTLP.
- The development of the site would deliver economic growth within the rural area in terms of employment creation accordant with Part 6 of the framework and policies ST07 (4), ST11, DM14 and DM15 of the NDTLP
- The site will utilise an existing power source in the vicinity of the site accordant with part 14 of the framework and ST16 of the NDTLP
- The site has capability to accommodate the solar PV project on lower grade agricultural land of grade 3b and 4 and does not use '*Best or most Versatile*' Agricultural land. The future use of the land will be for reduced grazing, maintaining an agricultural use of the land. The development will deliver a source of income to the land owner, diversifying the existing farming business accordant with DM15.
- The proposal will not adversely affect the Area of Outstanding Natural Beauty or Site of Special Scientific Interest accordant with part 15 of the framework and policies ST14, DM15 and DM08A of the NDTLP.
- Given the presence of existing renewable development in this area, it is preferable to locate the proposal here, rather than further afield within the

countryside, away from established infrastructure, where there may not be such an abundant supply of lower grade land, and where connectivity may not be attainable without more major over ground infrastructure installation. In this respect, the location of the renewable energy in this location is best suited to accommodate this scheme, where the impact within the wider LCT can be mitigated in accordance with part 15 of the framework and policies ST16 (3) a), and will not have an overall defining influence or adverse cumulative impact on the wider LCT in accordance with ST16 (4) and policies ST14 and DM08A.

- The nature of the site is 'temporary' allowing the land to revert back to its former agricultural use once no longer required for the production of renewable energy accordant with part 6 of the framework and policies ST11 and DM14 of the NDTLP.
- The site will require minimal removal and alteration of established hedgerows and vegetation to enable access to the proposal. The site will deliver significant net biodiversity enhancement in the form of new habitat formation, and effective planting secured and delivered through the LEMP accordant with part 14 and 15 of the framework and policies ST14, ST23, DM08 and DM08A of the NDTLP.
- The development of the site will not unduly impact on the local tourism economy in the area accordant with policies ST11, ST13, DM17 and DM18.
- The site access and method of accessing the site through all phases of the scheme are considered to be safe in highways terms. No Highway objections are received. There are no undue impacts to the local highway network as a result of the proposal accordant with policies ST10, DM05 and DM06.
- In terms of flood risk and drainage the scheme is broadly acceptable subject to the discharge of the condition form DCLLFA accordant with part 14 of the framework and policies ST03 and DM04.
- The Impact on heritage Assets is not of undue significant substantial harm and will not lead to the loss of significance of a heritage asset accordant with part 16 of the framework and policies ST15 and DM07 of the NDTLP.
- Technical requirements and issues from statutory consultees, in respect of Environmental Health, Flooding and drainage, Ecology and Architecture can be dealt with through suitable planning conditions.

#### Potential harm:

- In considering the findings of the Landscape Visual Impact Assessment it is clear that, the size of the development does not allow it to be completely screened within the LCT. The landscape harm and visual effect from the wider surrounding countryside would be moderate, and can largely be mitigated by the soft landscaping in the LEMP, There will be relatively moderate localised harm to visual amenity from PROW. Higher impacts closer to residential property would be mitigated over time by the provision of the LEMP but views from individual properties cannot be wholly mitigated.

- In considering the comments of the Conservation Officer weight must be given to the protection of heritage assets, there is no direct substantial harm to the fabric or setting of a heritage asset. The less than significant impact on the setting of the listed buildings must be weighed in the planning balance, in accordance with paragraph 196 of the framework. The LPA considers that the less than significant impact on the heritage assets would not outweigh the significant benefits to be derived from providing this scheme.
- The comments and objections from local residents have been taken into account in considering the proposal. The effect on localised amenity to residential property would be mitigated through the provision of the planting scheme secured in the LEMP, the noise mitigation scheme and the CEMP, accordant with DM01 and DM04 which must be weighed in the balance.
- The comments of CPRE are noted but do not outweigh the benefits of delivering the Renewable Energy

Planning law requires that applications be determined in accordance with the development Plan unless material considerations indicate otherwise (Section 38 (6) of the Act and paragraph 47 of the framework).

This proposal would deliver the aims of delivering sustainable development to achieve the 3 overarching objectives of economic, social and environmental dimensions. Planning decisions should play an active role in delivering sustainable development and solutions such as the delivery of Renewable Energy.

Taking the above into account, on balance the delivery of the aims and objectives of the framework, and the benefits that would be derived from approval of this scheme outweigh the adverse effects identified, which would arise from the approval of this proposal.

Therefore the officer recommends approval of this scheme in accordance with the adopted development plan. It is for Committee to weigh and balance the officer recommendation in coming to a decision. Approval of the application is therefore recommended subject to the imposition of planning conditions.

## 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

### **Recommendation**

Approved

Legal Agreement Required:- No

## **Conditions**

1. The development to which this permission relates must be begun not 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 requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Figure 1 Location Plan received on the 30/06/20

Figure 2 Site Layout Plan received on the 30/06/20

Fig 1.3- Fig 1.3 Site Plan received on the 24/07/20

Fig 6.2- Fig 6.2 Panel Substructure Options received on the 24/07/20

Fig 6.3- Fig 6.3 Gate 1 Site Access Plan received on the 24/07/20

Fig 6.4- Fig 6.4 Gate 2 Site Access Plan received on the 24/07/20

Fig 6.5- Fig 6.5 Gate 3 Site Access Plan received on the 24/07/20

Fig 6.6- Fig 6.6 Gate 4 Site Access Plan received on the 24/07/20

Fig 6.7- Fig 6.7 Gate 5 Site Access Plan received on the 24/07/20

Fig 6.8- Fig 6.8 Site Access Details Connection Compound received on the 24/07/20

Fig 6.9- Fig 6.9 Field Gate Detail received on the 24/07/20

Fig 6.11- Fig 6.11 Transformer Unit Detail received on the 24/07/20

Fig 6.13- Fig 6.13 Substation Detail received on the 24/07/20

Fig 6.19- Fig 6.19 Compound Fence Detail received on the 24/07/20

Fig 6.20- Fig 6.20 Site Fencing Detail received on the 24/07/20

Fig 9.1- Fig 9.1 Site Plan with Lidar Contrours received on the 24/07/20

Fig 9.2- Fig 9.2 Surface Water Floor Path & Direction received on the 24/07/20

Fig 4.2- Fig 4.2 Detailed Shaded Terrain Model received on the 15/10/20

Fig 6.23- Figure 6.23 Location of CCTV Cameras received on the 15/10/20

Fig 6.24- Figure 6.24 Typical CCTV Post received on the 15/10/20

Fig 11.4- Figure 11.4 Zone of Theoretical Visibility (ZTV) (5km radius) received on the 15/10/20

Fig 11.9 Mitigation proposals with detailed layout for LEMP. Figure 11.9.pdf received on the 10/03/21

Document Titled 'Lower Litchardon Landscape and Ecological Management Plan' rev 04 received on 10/3/21

('the approved plans').

### Reason

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

3. When the land ceases to be used as a photovoltaic park for renewable power production or at the end of the period of 35 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 on the land in connection with the use permitted shall be removed and the land restored to its previous state or as otherwise agreed, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time scale for decommissioning.

#### Reason

In order to protect the visual amenity and character of the surrounding countryside and to ensure the development only exists for the lifetime of the development in accordance with policies ST02, ST16, DM01, DM04 and DM08A of the North Devon and Torridge Local Plan.

4. If within the 35 year period referred to in condition 3 the solar pv development does not generate any electricity to the national grid for more than 6 months in a continuous period of 12 months, then details of a scheme, to repair or remove the solar pv development and all associated infrastructure, buildings, equipment and access points, shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 12 month period. If removal of the development is required, all development and associated equipment, infrastructure and access shall be removed within 12 months of the details being approved and the details shall include a method statement and timetable for the dismantling and removal of the solar pv development and of the associated above ground works and foundations to a depth of at least one meter below ground; and, the details shall include a method statement, a traffic management plan, and a timetable for any necessary restoration works following removal of the solar pv development. The scheme shall be implemented in accordance with the approved details.

#### Reason

To minimise any detriment to the visual amenity of the surrounding area and ensure decommissioning works do not have adverse highway or amenity impacts in accordance with Policies ST14, DM01, DM04, DM05 and DM08A of the North Devon and Torridge Local Plan.

5. No work shall be commenced on any part of the development hereby permitted until full details of all external finishes for all cabinets, transformers, switchgear housings/substations and proposed surfacing of access tracks and details of supporting poles for CCTV cameras have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

In the interests of the appearance of the development and locality in accordance with Policies ST04, DM04 and DM08A of the North Devon and Torridge Local Plan.

6. All electrical cabling between the panel rows and the on-site connection building, substations and transformer units shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 2 months of the commissioning of the solar farm in accordance with a scheme which has been submitted and approved in writing by the Local Planning Authority prior to the

commencement of works on site.

Reason

In the interests of the visual amenity of the area in accordance with policies ST04, DM04, and DM08 of the North Devon and Torridge Local Plan.

7. No external artificial lighting or CCTV cameras other than those shown on the approved plans shall be installed during the operation of the site as a solar PV facility, without the prior written permission of the Local Planning Authority.

Reason

In the interests of the visual amenity of the area, and to enable the Local Planning Authority to consider issues of light pollution and amenity of local residents at the appropriate time in accordance with policies ST04, DM01, DM04, DM08, and DM08A of the North Devon and Torridge Local Plan.

8. Notwithstanding the provisions of the Town and Country planning (General Permitted development) Order 2015 (As amended) no fixed plant or machinery, cabling (over or under ground), buildings structures and erections, fences or private ways shall be erected, extended, installed or rearranged without prior permission from the Local Planning Authority.

Reason

In the opinion of the Local Planning Authority, it is appropriate to maintain control of development proposals that may have an impact on the amenities of local residents or landscape and ecological interests of the countryside in accordance with policies ST04, DM01, DM04, DM08 and DM08A of the North Devon and Torridge Local Plan.

9. No other part of the development hereby approved shall be commenced until the site access, parking facilities, commercial vehicle loading and unloading areas, visibility splays, turning areas, access roads and drainage of access have been provided in accordance with the approved highway details. Access to the site for construction traffic shall be via the agreed delivery routes illustrated on Plate B1 - Routes for Construction Traffic to Site Entrances'.

Reason

To ensure that adequate facilities are available for traffic attracted to the site in accordance with ST10, DM05 and DM06 of the North Devon And Torridge Local Plan.

10. Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (Construction, Operation and Decommission phases) (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction and decommission of the site during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-

- a) measures to regulate the routing of construction and decommissioning phase traffic;
- b) the times within which traffic can enter and leave the site;
- c) details of any significant importation or movement of spoil and soil on site;
- d) details of the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) a noise control plan which details hours of operation and proposed mitigation measures;
- i) location of any site construction office, compound and ancillary facility buildings;
- j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

#### Reason

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area and to protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in accordance with Policies DM01, DM02 and DM05 of the North Devon and Torridge Local Plan.

11. All temporary construction yards and temporary access tracks required to provide temporary storage of materials, parking and access in conjunction with the development shall be removed within three months of the completion of the works of the scheme and within three months of the cessation of the scheme following its decommissioning after 35 years time period of productivity and the land restored to its former condition.

#### Reason

To protect the character, appearance and quality of the countryside in which the development is positioned in accordance with policies ST04, DM04, DM08 and DM08A of the North Devon and Torridge Local Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping within the Landscape Ecological Management Plan titled 'Lower Litchardon Landscape and Ecological Management Plan Rev 04' received 1st March 2021 and landscaping mitigation shown on LEMP plans titled

- Mitigation Proposals with Detailed Layout - west, Figure 11.9 sheet 1 of 4'

received on 1st March 2021

- Mitigation Proposals with Detailed Layout - Central North, Figure 11.9 sheet 2 of 4' received on 1st March 2021

- Mitigation Proposals with Detailed Layout - Central South, Figure 11.9 Sheet 3 of 4 received on 1st March 2021

- Mitigation Proposals with Detailed Layout - East, Figure 11.9 sheet 4 of 4 received on 1st March 2021

shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

#### Reason

To assimilate the development into the landscape and to safeguard the appearance and character of the area and the amenities of residential property in accordance with Policies ST04, ST14, DM01, DM04 and DM08A of the North Devon and Torridge Local Plan.

13. In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans and particulars [insert drawing no's]; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the occupation of the building for its permitted use].

(a) No retained tree, hedge or shrub shall be cut down, uprooted or destroyed, nor shall any tree, be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations.

(b) If any retained tree, hedge or shrub is removed, uprooted or destroyed or dies, another tree, hedge or shrub shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of protective barriers and any other measures identified as necessary for the protection of any retained tree, hedge or shrub shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, or in accordance with an approved method statement and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

To safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

14. Prior to the development hereby approved being brought into use, the biodiversity net gains and ecological mitigation, as indicated on the approved plans within the Landscape Ecological Management Plan document entitled

- Lower Litchardon Landscape and Ecological Management Plan rev 04
- Mitigation Proposals with Detailed Layout - west, Figure 11.9 sheet 1 of 4' received on 1st March 2021
- Mitigation Proposals with Detailed Layout - Central North, Figure 11.9 sheet 2 of 4' received on 1st March 2021
- Mitigation Proposals with Detailed Layout - Central South, Figure 11.9 Sheet 3 of 4 received on 1st March 2021
- Mitigation Proposals with Detailed Layout - East, Figure 11.9 sheet 4 of 4 received on 1st March 2021

shall be provided in full and retained thereafter.

Reason

To achieve net gains in biodiversity in compliance with Policy ST14, DM04, DM08 and DM08A of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

15. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

16. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

- a) Monday - Friday 07.00 - 18.00,
- b) Saturday 09.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason

To protect the amenity of local residents in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

17. In the event that Glint and/or Glare becomes apparent, in accordance with good

practice, and following confirmation in writing by the Local Planning Authority that a significant issue exists, a Glint and Glare assessment must be submitted within one month of the date of identification of a Glint and Glare issue. The scheme shall describe details of proposed mitigation measures and include procedure for addressing any unexpected glint or glare impacts that may become apparent once the development becomes operational and where such impacts are confirmed as being significant in writing by the Local Planning Authority.

Reason

To ensure that any Glint or Glare impacts which may be identified are properly mitigated throughout the lifetime of the application in the interests of the appearance of the countryside, and of the amenity of the area and any neighbouring living conditions or highway conditions in accordance with policies ST04, DM01, DM04, DM05 and DM08A of the North Devon and Torridge Local Plan.

18. Prior to first operation of the development an acoustic report assessing the impact of noise (including low frequency noise) and proposing a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be maintained and complied with thereafter in accordance with the acoustic report and no new plant shall be used without the written consent of the Local Planning Authority. For the avoidance of doubt, mitigation measures shall ensure that the agreed target criteria of a BS4142:2014 +A1:2019 rating level of 35dB LAeq is achieved at all nearby residential properties (including at outside amenity areas) existing at the time permission is granted.

Reason

To protect the amenity of the area and neighbouring occupants/residents against the effects of noise in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan.

19. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.

Reason

The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and planning policies ST03 and DM04 of the North Devon and Torridge Local Plan. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign /

unnecessary delays during construction when site layout is fixed.

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

Reason

To ensure, in accordance with Policy DM07 of the North Devon and Torridge Local Plan 2011 - 2031 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development. This is a pre-commencement requirement to ensure that no archaeological evidence is lost from the beginning of development.

21. The land between the rows of solar arrays will be used for the purposes of grazing of livestock for the duration of the 35 year life span of the proposed solar farm.

Reason

In the interests of promoting the rural economy and ecological and biodiversity management of the site in accordance with policies DM08, DM08A and DM14 of the North Devon and Torridge Local Plan.

22. All foul drainage, including foul surface water run-off, must be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.

Reason

To prevent pollution of the water environment in accordance with Policy DM02 of the North Devon and Torridge Local Plan.