



Appeal Decision

Inquiry Held on 12-15 and 19-20 September 2023

Site visit made on 21 September 2023

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/U1105/W/23/3320714

Land to the south and west of Marsh Green, Marsh Green, East Devon EX5 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Phil Cookson (Low Carbon Alliance Ltd) against the decision of East Devon District Council.
 - The application Ref 22/0990/MFUL, dated 4 May 2022, was refused by notice dated 12 January 2023.
 - The development proposed is for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; and temporary change of use of land for construction compound (off site).
-

Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; and the temporary change of use of land for a construction compound (off site) on land at Marsh Green Farm, Marsh Green EX5 2EU in accordance with the terms of the application, reference 22/0990/MFUL, dated 4 May 2022, subject to the 'Schedule of Conditions' set out at the end of this decision.

Application for Costs

2. An application for the partial award of costs was made by Low Carbon Alliance Ltd against East Devon District Council (EDDC). That application will be the subject of a separate decision.

Procedural Matters

3. I have amended the description of the development from that given on the Planning Application Form in the above banner, to that specified on the Council's Decision Notice as it provides a more accurate description of the proposal; and because it was already subject to public consultation agreed with the Appellant during the planning application determination period.
4. In advance of the Inquiry EDDC agreed via Statement of Common Ground (SoCG) not to contend its reason for refusal relating to agricultural land

classification. Additionally, I note that flooding impacts were not disputed by the Council in the Decision Notice but rather the opportunities or steps to improve flood risk impacts.

5. Bearing in mind Marsh Green Valley Protection Group's (MGVPG) submissions as a Rule 6 Party there was some round table discussion regarding agricultural land classification; flood risk management; and highway impact matters linked to overall planning balance arguments and any potential planning conditions which could be applied. Accordingly, I have considered those elements in my overall decision.
6. I have dealt with local policy implications largely within the main issues. But other elements of the dispute require wider consideration of national policy, and strategy. Therefore, those further aspects are included within my reasoning.

Main Issues

7. The main issues are the impact of the development on i) the character and appearance of the landscape; and ii) the setting of nearby heritage assets; iii) the overall merits of the development having regard to any harms or benefits.

Reasons

Character and appearance

8. At my site visit I could see that the appeal site comprises of attractive expanses of open countryside entailing agricultural fields lined with hedgerows and established greenery. The locality is interconnected with a network of narrow rural lanes, some of which are sunken relative to adjoining agricultural fields. The area exhibits distinct scenic qualities and a great deal of beauty. Further afield the presence of the A30 is a noticeable built feature that bisects the rural landscape. The presence of commercial buildings near to the airport are also noticeable features, as are collections of dwellings and hamlets. The latter being in much closer proximity to the appeal site.
9. The Appellant's landscape evidence including its Landscape Visual Impact Assessment (LVIA) offers me a systematic summary of the likely effects of the development. I note that the appeal site is not located within or immediately adjacent to any Local Plan landscape designation. The East Devon Area of Outstanding Natural Beauty (AONB) is located approximately 1km to the east. Given the distance involved as well as intervening landscape and topography I accept there would be no impact to the setting of the AONB.
10. That said, Devon's Landscape Character Assessment' (DLCA) highlights the appeal site is located within distinctive local Landscape Character Types (LCT's). Collectively, the main parties refer me to, namely: 1C: Pebblebed heaths: 3B: Lower Rolling Farmed and Settled Valley Slopes: and 3E (formerly 4D): Lowland Plains.
11. The LCT's give me important information in gauging the overall landscape sensitivity and value of the landscape in dispute. Subsequently, I recognise that the appeal site does have genuine landscape value when gauging it as part of local distinctiveness and qualities set within the DLCA.

12. At the Inquiry, EDDC and MGVPG's position in broad terms was that the appeal site is part of a locally valued landscape. To that end, paragraph 174 (a) of the Framework, indicates that whilst the intrinsic character and beauty of the countryside should be recognised, it does not seek to protect, for its own sake, all the countryside from development; rather it concentrates on the protection of 'valued landscapes'. Although the Framework does not define what constitutes a valued landscape.
13. I note the appeal site does not have any defined community use linked to it or internal public walkways. Albeit local walking routes were referred to as being frequently undertaken for recreation using the rural road network near to the site. It is credible local people would use those routes for such activity, whilst enjoying views of the rural surrounds.
14. Although the site has no specific local plan designation or community use it is a significant part of the East Devonshire countryside which exhibits high levels of scenic beauty at a regional scale when having regard to the DLCA and LCTs. Separate to that, I recognise there are also broader local cultural and heritage aspects linked to some of the arguments made. All in all, the site is clearly part of a local landscape cherished by many residents as evidenced at the Inquiry.
15. Because of those factors, and the magnitude of land which would be occupied by the development I agree the appeal site and its surroundings are sensitive to change. For the purposes of applying paragraph 174(a) of the Framework the local landscape impacted is a valued landscape. And significant weight should be attributed to any harm to landscape character and appearance.
16. That said, I am cognisant that whilst the appeal site comprises of around 74 hectares (ha) of land, both EDDC and the Appellant agree that the solar farm (including ancillary development) would only occupy around 29ha. This would leave some 45ha of land for landscaping and ecological enhancement. Based on the evidence submitted and given those figures are not contested I have no reason to take a different view.
17. The presence of the A30; the proximity of the airport which has a nearby commercial landscape associated to it; and pylons within the landscape are all existing factors impacting on countryside tranquillity levels as well as its overall appearance. Therefore, I do not find the appeal site to represent deep countryside remote from other forms of development.
18. There would be a noticeable change in the character and appearance of the landscape from agricultural and grassed over fields to land featuring engineered solar panels. But the solar panels would be relatively low lying and even with the ancillary development applied for, a substantial amount of attractive greenery would remain in place.
19. The overall visual effects of the development would be largely contained within the appeal site boundary itself because of topography and hedge boundary features. I accept owing to the contained nature of the site largely only infrequent, transient, and glimpsed views would be possible from broader locations in the immediate locality. Nonetheless, given the scale of the development, and its nature, it would be at odds with the qualities of the LCTs. There would be some unavoidable harm to the character and appearance of the immediate landscape.

20. The Appellant demonstrates through extensive negotiations with EDDC it has designed the appeal scheme in a way to minimise visual and landscape impacts as much as possible. The scheme does not involve any tree removal, and the protection, retention and management of existing trees and hedges would be able to be successfully undertaken.
21. There were concerns expressed at the Inquiry that resultant hedgerow heights in any mitigation proposed would be excessive and domineering. However, I am content there is a suitable degree of flexibility enabled in planning condition use to prevent that outcome.
22. Other solar farms are referred to in the wider vicinity. But the level of intervisibility would be negligible. Owing to the mature hedgerow network seen in the area cumulative impacts would be contained and therefore not detrimental.
23. Thus overall, I find an adverse but largely contained change would be caused to the character and appearance of the site itself and local landscape. Because of that there would be some conflict with Strategies 39 (Renewable and Low Carbon Energy Projects), and 46 (Landscape Conservation and Enhancement of AONB's) of the East Devon Local Plan (EDLP) which collectively seek to protect and conserve local landscape distinctiveness, in tandem with regard given to the context of paragraph 174(a) of the Framework towards valued landscapes I attribute significant weight to such harm.

Heritage Assets

24. The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess.
25. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
26. It was agreed by EDDC in the SoCG with the Appellant that the appeal proposal would not affect the setting or significance of any scheduled monument, conservation area, registered battlefield, World Heritage Site or any registered park and garden. This includes the grade II registered park and garden at Rockbeare.
27. Indeed, Historic England raised no objection in that regard. EDDC also agree that the appeal scheme would result in no harm to any grade I or grade II* listed buildings because of development within their settings. I have no reason to reach a different conclusion.
28. Accordingly, out of a total of 56 heritage assets assessed by the Appellant the dispute at the Inquiry focused on 6 designated assets. In Westcott these were namely: Westcott House; Westcott Farmhouse; and the Barn approximately 20m south of Westcott Farmhouse, all grade II listed.

29. Their significance stems from their age and architectural interest as buildings which illustrate the development of Westcott as a small rural hamlet. The buildings also have a relationship with surrounding local land that was once owned and worked by their occupants.
30. I agree the surrounding countryside (of which the appeal site is part of) makes a positive contribution to their setting. But in the case of the properties at Westcott this is to a lesser extent than the contribution made by their gardens, and views over Rag Lane to which the principal elevations of both Westcott House and Westcott Farmhouse are orientated.
31. In Marsh Green: The Knoll; Rose Cottage; and The Old Post Office are the grade II listed buildings in dispute. They have architectural qualities and significance linked to historic rural settlement development in East Devon. There is also an historic association between the buildings and the surrounding agricultural landscape. Their settings, they are experienced in include their gardens and street scene of Marsh Green. However, I agree the appeal site also makes a positive contribution to their setting by virtue of proximity and historic connection.
32. I note that with respect to the 6 properties in dispute there is at least 300m between any of the 6 assets and any part of the appeal site boundary. In that context, I appreciate the heritage assets in dispute would be separated from the solar arrays by gardens, undeveloped field parcels and a buffer of agricultural land within the site itself. The Appellant makes a strong case there would be no harm at all to the assets because of those factors.
33. Nevertheless, some glimpsed views and intervisibility would be possible and cannot be discounted. The combined collective interest of the properties and historic connections of former residents working local land evidenced are also important factors.
34. Therefore, bringing all points together given the magnitude of the scheme I accept it would lead to an adverse impact to the individual asset settings in dispute as well as their combined collective historic interest.
35. In summary, bearing in mind the range of visual and overall sensory perception arguments (including how different people may experience 'setting' having regard to tranquillity, general ambience, sounds, and smells combined with any visual change in an agricultural location) evidenced at the Inquiry there would be some harm to the settings of all 6 listed buildings. Thus, there would be conflict with the terms of the Act and the Framework which seek to prevent harm to the settings of designated assets.
36. Nonetheless, the separation distances involved, and existing intervening boundary features would greatly limit the resultant harm. For that reason, the level of detriment involved would sit at the lower end of the 'less than substantial' harm definition contained within the Framework.
37. MGVPG also reference three non-designated heritage assets within or immediately adjacent to the site involving: modern earthwork banks, believed to relate to historic farming activity; post medieval to modern orchard banks (outside of the appeal site); and further post medieval to modern earthwork banks, again believed to relate to farming activity (a small part of which lies

- within the appeal site boundary). Their archaeological significance is closely tied to an agricultural landscape which would be eroded by the appeal scheme.
38. The evidence before me indicates that the banks lack the age, rarity, group value or condition to be considered of interest at a regional or national level. This does not mean that they are without historic or cultural value, but that on a relative scale that they are of low value.
39. I am content that the Appellant through the proposed layout has sought to avoid all heritage impacts where it was possible to do so. Furthermore, there are no objections from Historic England or other technical consultees referred to, and EDDC accept that additional archaeological mitigation is not required.
40. In that context, Paragraph 203 of the Framework sets out that harm to non-designated heritage assets is a balance considering the scale of any harm or loss and the significance of the heritage asset. In this case there would be some limited harm to the archaeological significance of non-designated assets of low value owing to the presence of the scheme eroding the agricultural open countryside location.
41. Consequently overall, I do find there would be conflict with EDLP Policy EN9 (Development Affecting Heritage Assets) which seeks to protect the settings of listed buildings and other historic assets from harm.
42. Having regard to the advice of the Framework, I attribute significant weight to the less than substantial harm I have identified to the setting of the 6 designated heritage assets in dispute. Separate to that, there would also be some limited harm to non-designated archaeological assets evidenced to be of low value. Even so, I find such non-designated asset harm still has importance owing to local cultural significance and attracts moderate weight in my decision.

Other merit/planning balance considerations

43. The Framework supports the increased use and supply of renewable energy. The solar farm would generate up to 30MW of renewable electricity. The level of energy produced could potentially power some 18,500 households, and in doing so save significant tonnes of CO₂ emissions per year. Moreover, there are no physical constraints limiting early development of the solar farm and a grid connection offer is accepted as being in place.
44. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035.
45. The National Policy Statements (NPSs) for the delivery of major energy infrastructure are also material considerations in my decision. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and 3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity. Notwithstanding the replacement EN-3 is in draft consultation form and therefore the draft carries limited weight.

46. Connected to NPS considerations, I have had regard to Government's Net Zero Strategy: Build Back Greener (2021) which also has relevance. It explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable energy generation such as solar.
47. I am also aware the Government's British Energy Security Strategy (April 2022) does not set a firm target for solar but expects a five-fold increase in deployment by 2035. This aligns to the strategy's aim that by 2030, 95% of British electricity could be low carbon; and by 2035 that the electricity system will be able to be decarbonised, subject to security of supply.
48. Those considerations aside, I recognise the Appellant's point that with more locally derived renewable energy the UK would become less reliant on price volatility from imports. As referenced in Government's 'Powering Up Britain' (March 2023) Plan, solar is one of the cheapest forms of electricity generation.
49. As such, I accept the scheme could make an early and significant contribution to the objective of achieving Net Zero and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. Accordingly, the clean and secure energy benefits on offer attract substantial weight in my decision.
50. In terms of the biodiversity impacts posed, the Landscape and Ecological Management Plan (LEMP) and other information suggests that a Biodiversity Net Gain (BNG) in the order of 121% can be achieved. I agree the Appellant has maximised its approach to seeking such improvements following negotiations with the Council. This would be consistent with Local Plan Strategy 47 and Policy EN5, supporting ecological enhancements.
51. The BNG would involve the planting of approximately 350 meters of new native species hedgerows and new trees including a woodland extension enhancing the natural features of the existing landscape. There would be some 8.1ha of wildflower meadow created (including wet meadow); and the creation of 2.4ha of new native woodland.
52. The planting scheme evidenced would also include re-establishing areas of traditional Devon hedgerow management techniques to improve health and biodiversity in the existing and the newly created hedgerows. All of which when combined in the context of BNG constitute substantial positive ecological benefits for the local area and future generations. Further significant benefits would include legacy landscape enhancement embedded in the scheme layout.
53. Flooding issues experienced in the area were raised by several interested parties during the Inquiry. To that end, an extensive mitigation package using planning conditions would be able to be provided which includes: increased vegetation cover; SuDS drainage features; the provision of 'leaky dams'; 'scrapes' along the onsite water course; and field drains which will pond on site. With such provision in mind, I accept that the scheme has been designed to enable a betterment to controlling known flood risks and is conducive with best practice design principles.
54. Because of those carefully thought-out provisions I do find surface water run-off would be properly managed within the site boundary. There was further concern that existing flooding issues beyond the appeal land could lead to

- failure of the Appellant's drainage scheme. But the amount of rainfall the site would experience would still be the same with or without the scheme.
55. Consequently, I do not accept the solar farm would exacerbate local flooding issues elsewhere. Instead, all the evidence before me indicates the opposite effect would be apparent. As a result, there would not be any conflict with Policy EN22 of the EDLP. Not only does this demonstrate compliance with EDLP Strategy 39 but when taken alongside the overall scheme layout, substantial BNG provision and other prevailing design layout considerations, collectively the evidence indicates flood risk management design would exceed policy, and is therefore a positive design factor in favour of supporting the scheme.
56. There would be some economic benefit in allowing related construction work. Post construction the scheme would provide modest employment opportunity. There is no clear indication existing agricultural work opportunities would be eroded. But even if that was the case, maintenance of the wider site is evidenced to require jobs in landscape and ecological management. Therefore, diversifying local labour opportunities into the green economy is likely to compensate for any notional loss, of which there is no strong evidence either way. Therefore, I give the overall economic betterment from all job opportunities modest weight accepting that the overall betterment is more favourable in relation to construction periods.
57. In relation to Agricultural Land Classification (ALC) the Appellant makes the argument that the majority of the appeal site occupied by the solar farm would be Grade 3b (92%). With the remaining 8% found to be Grade 3a, located alongside a stream running across the site. Approximately half of this land would be part of the built development. Best and most versatile agricultural land only encompasses land in Grades 1, 2 and 3a.
58. Whilst EDDC concurred with the ALC position of the Appellant, MGVPG and other interested parties did not. Consequently, I have considered the methodology and submissions used to determine the grade of land. Whilst technical argument does enable different inferences and conclusions to be drawn, I find that the Appellant's evidence is convincing and sufficient. There is no other detailed on-site survey information to conclude otherwise.
59. The Framework advises me the loss of high-grade land should only be granted exceptionally. EDLP Policy EN13 seeks similar safeguards. I have borne in mind there would be some use of Grade 3a land, as well as a degree of tokenistic animal grazing being possible. Albeit it would not be comparable to more intensive farming practices. Therefore, given the ACL figures, I agree there would be some conflict with EN13.
60. Additionally, there would be negative impacts to local amenity arising from construction traffic movements and related work. Such construction period activity is likely to cause unavoidable local frustration to residents, motorists, cyclists, walkers, and other pedestrians. However, all the evidence suggests that there would be no significant highway safety detriment if the appeal was allowed. That is because construction period impacts would be able to be successfully mitigated by carefully thought-out traffic routing and management arrangements, achieved through planning condition use.
61. In relation to most aspects of the appeal I have been referred to an extensive list of appeal decisions, judgements and decisions made by the Secretary of

State. I do not find any conflict with the broad principles of decision making triggered in those decisions. Collectively, they also involve a combination of different sites and sets of circumstances which do not lead me to alter my findings in this case.

62. The weight to be given to EDDC's emerging Draft Local Plan 2020 to 2040 was a matter of disagreement between the Appellant and EDDC in the lead up to the Inquiry. EDDC, contending it has no weight. I accept because of its infancy that the document carries little weight. That said, the main matters in dispute are linked to existing adopted Plan policy, in any event, and is where my decision has focused.

Other Matters

63. Outside of the main issues I have carefully considered other interested party objections. But beyond aesthetic considerations of people disliking the appearance of the solar farm, once completed, it would not restrict access to any public route currently utilised. There is no compelling basis to conclude the appeal scheme would erode from tourism, or the public enjoyment of the countryside for recreation and health interests.
64. At operational stages there is nothing demonstrating that the scheme would erode from existing living conditions by virtue of noise or the solar farm's positioning. I have considered potential for glint and glare problems to arise but there is nothing convincing such impacts would harm amenity given the distances involved and the embedded design layout safeguards negotiated with the Council.
65. Although a variety of pollution and litter issues are posed in representations there is nothing convincing to directly link those problems as constituting compelling reasons to support refusal of the scheme. There are no other public safety issues arising that are incapable of being addressed by planning condition. Furthermore, I am satisfied protected species, other wildlife interests and decommissioning requirements could be properly safeguarded, controlled, and enforced through planning condition use.

Conditions

66. Without prejudice, the main parties compiled an agreed list of conditions in the event the appeal were to be allowed. Subject to minor amendments the suggested wording would meet the relevant legal tests. Standard conditions would be needed to specify the time limit and plans in line with statutory provision and to provide a formal mechanism for amendment.
67. The approval of details for the proposed materials and finish including colour of all solar panels, frames, ancillary structures, equipment, and enclosures is warranted in the interests of safeguarding visual amenity. Decommissioning conditions would ensure site restoration is properly undertaken in the interests of protecting the character and appearance of the area. A range of ecology conditions are necessary to ensure flora and fauna (including protected species) are properly respected, and to ensure an adequate level of overall biodiversity enhancement and future ecological management. Additionally, further conditions would be required to ensure: construction management is respectful to the area; highway safety is maintained during construction and

operation; and any new lighting does not give rise to ecological or other wider amenity harm.

Planning Balance

68. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
69. There would be some conflict with the Council's development plan arising from the main issues and other planning issues of the case. Accepting there would be some limited use of higher grade best and most versatile agricultural land. Given the amount I attribute limited weight to such harm. Outside of my findings on the main issues, and related matters, there would also be significant benefits because of the appeal scheme encouraged by other elements of the Council's development plan and the content of the Framework.
70. I have found that the proposal would have a material adverse effect on the character and appearance of the local landscape, predominantly within the site itself, but also accounting for wider views and the subsequent contribution the site makes to the local area as a valued landscape. This carries significant weight.
71. There would also be some limited harm to a non-designated archaeological asset. There would be temporary erosion of local amenity from disruption, noise, and construction activity. Although such harms would be lessened through planning condition use. Nevertheless, they are both significant adverse implications to factor relative to the advice of the Framework.
72. Accounting for the potential 40-year operational lifespan of the solar farm the harm from the scheme would ultimately be reversible. Albeit there is no doubt a generational commitment involved. In that context, I have also found there would be less than substantial harm to the settings of six local heritage assets.
73. As directed by paragraph 202 of the Framework I am required to assess designated asset harm in relation to any public benefits on offer. I have attributed significant weight to such harm but the clean and secure energy production the scheme offers is a substantial standalone overarching public benefit. There would also be substantial public benefits from BNG and legacy planting provision, as enhancements. Those particular benefits, in this case, outweigh the 'less than substantial harm' to the settings of designated heritage assets, bearing in mind proximity and the overall intervening landscape evident in concluding on such harm.
74. And from a wider decision-making perspective, recognising those harms with all of the other harms I have identified and referenced in all of my above reasoning including harm to: the character and appearance of the landscape; a non-designated archaeological asset; the marginal uptake of land of higher grade best and most versatile agricultural land; and the disruption to local roads and amenity levels probable during construction periods as an additional negative factor, taken collectively. Combined all those considerations attract significant weight within the overall planning balance to be undertaken. Nonetheless, the level of overall scheme benefits on offer still far exceeds all of the harms combined.

75. Overall, my decision must ultimately be made on the total level of harms arising against any overall benefits attributed to this appeal scheme. Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 I have identified there is some conflict with EDDC's development plan.

76. However, benefits of the proposal are material considerations which outweigh the harm that I have identified with the development plan. That is because, when weighed in the planning balance the magnitude of combined benefits is considerable relative to all of the harms. And subsequently the direct benefits arising from the development give me sufficient reasons to allow the appeal.

Conclusion

77. Taking all matters raised in the round I find that the overall benefits of the development would substantially outweigh the harms it would cause. For the reasons set out above the appeal succeeds.

M Shrigley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Gavin Collett

Counsel

WHO CALLED:

Paul Beswick

Landscape Witness

Helena Kelly

Heritage Witness

Sharon Queeney

Planning Witness

FOR THE LOCAL PLANNING AUTHORITY:

Mr Peter Wadsley

Counsel

WHO CALLED:

Sarah Leete-Groves

Heritage Witness

John Burgess

Landscape Witness

Christopher Whitehouse

Planning Witness

FOR MGVP:

Frances Ratcliffe

Landscape Witness

Todd Olive

Planning Witness

INTERESTED PARTIES (WHO SPOKE AT THE INQUIRY):

Godfrey Whitehouse	Resident
Ron Forrest	Resident
Paul Jefferson	Resident
Emmett	Resident
Roy Knight	Resident
Keith Bassett	Resident
Elizabeth Sloss Butler	
Andrea Cook	
Phil Franklin	
Dan Gray	

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- INQ1 – Appellant’s Opening
- INQ2 – Council’s Opening
- INQ3 – Written closings of the Council.
- INQ3 – Appellant’s written costs claim.
- INQ4 – Appellant’s response to costs claim.
- INQ5 – Written closings of the Appellant.

DOCUMENTS SUBMITTED AFTER THE INQUIRY:

None.

Schedule of Planning Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed as:-
 - CRM3025.001.PL.D.001 Proposed Location Plan April 2022;
 - CRM3025.001.PL.D.002 Proposed Planning Boundary (Reception Site) April 2022;
 - CRM3025.001.PL.D.003 Proposed Planning Boundary (Main Site) April 2022;
 - CRM3025.001.PL.D.004 Field Reference Plan April 2022;
 - CRM3025.001.PL.D.005 Topographical Survey April 2022;
 - CRM3025.001.PL.D.006 Topographical Survey (Reception Site) April 2022;
 - CRM3025.001.PL.D.007 Topographical Survey (Northern Fields) April 2022;

CRM3025.001.PL.D.008 Topographical Survey (Southern Fields) April 2022; CRM3025.001.PL.D.009 Topographical Survey (Eastern Fields) April 2022; TPS FO 001 001 Proposed Development Plan Rev I; CRM3025.001.PL.D.010 Proposed Development Plan (Reception Site) April 2022; TPS FO 001 002 Proposed Development Plan (Northern Fields) Rev I; TPS FO 001 003 Proposed Development Plan (Southern Fields) Rev I; TPS FO 001 004 Proposed Development Plan (Eastern Fields) Rev I; TPS FO 001 005 Construction Phase Plan (Northern Fields) Rev I; TPS FO 001 006 Construction Phase Plan (Southern Fields) Rev I; TPS FO 001 007 Construction Phase Plan (Eastern Fields) Rev I; TPS FO 001 008 Construction Plan Complete Site Rev I; LOA1001-200.1C PV Array Details (2 portrait) Rev C; LOA1001-200.2C PV Array Details (3 portrait) Rev C; LOA1001-208C Transformer Details Rev C; LOA1001-209C Substation Details Rev C; LOA1001-215C CCTV Details Rev C; LOA1001-214D Fence & Security Gate Section Details Rev C; LOA1001-214Di Fence & Fence Gate Section Rev B; LOA1001-212C Spare Parts Details Rev C; CRM.3025.001.HY.D.012 SuDS Drainage Features/Betterment Features Rev F; CRM.3025.001.HY.D.013 Topographical Analysis Rev B; CRM.3025.001.HY.D.014 Flood Outline Overlay Rev A; DV5045PD-001 Review of Existing Local Highway Network Rev G; DV5045PD-002 Proposed Construction Routing on Local Roads Rev F; DV5045PD-003 (Contained within the TS); Proposed Construction Routing to Principal Roads Rev D; DV5045PD-004 (Contained within the TS); Proposed Off Site Reception Compound Rev B; DV5045PD-010 (Contained within TS) Proposed Construction Phase- Access and Internal Roads Rev C; J000245 (Contained within the arboriculture report); Tree Constraints Plan; Drawing J000245 (Contained within arboriculture report); Tree Protection Plan; Drawing 035 220 Landscape Plan Rev D Contained within LVIA.

- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.
- 4) A Construction and Environment Management Plan (CEMP) shall be submitted and approved by the Local Planning Authority in writing prior to any works commencing on site. The approved CEMP shall then be implemented and remain in place during the period of construction. The CEMP shall include provisions for (at least) the following matters: air quality; dust; water quality; lighting; noise and vibration; pollution prevention and control; site compound location; extent and expected duration; delivery routes and booking system; contractor mini-bus transport; as well as monitoring arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
- 5) The development hereby approved shall be carried out in accordance with: the Construction Traffic Management Plan (CTMP) Rev C prepared by DLP Consultants Ltd and Delivery dated August 2022; the Technical note prepared by DLP Consultants and Delivery dated August 2022; and the Technical Note prepared by DLP Consultants Ltd ref DV5045PD-TN01 dated

September 2022. The approved CTMP and construction routing therein shall be adhered to during the full period of construction.

- 6) Prior to their installation/implementation or the siting of any solar panels on site, whichever is the sooner, the following information shall be submitted to and agreed in writing by the Local Planning Authority (where applicable in consultation with National Highways):

a) a boundary treatment plan, including details for the site boundary with the A30 trunk road;

b) a revised Landscape Plan and associated Planting Schedule;

c) a full set of soft and hard landscape details including:

i. planting plan(s) showing locations, species and number of new trees and native hedge/shrub planting and extent of new grass areas, together with existing trees, hedgerow, and habitat to be retained/removed; ii. plant schedule indicating the species, form, size, numbers, and density of proposed planting; iii. Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5-year maintenance schedule; iv. tree pit and tree staking details; v. a method statement for creation and maintenance of species rich grassland and wetland habitats.

d) Details of proposed colour finishes to housing for inverters, storage units and sub-stations;

e) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedge banks;

f) details of finishes of framing elements of proposed pv panels;

g) details of proposed gates and alterations to existing gateways. This shall include an overall site plan(s) showing the locations of new and replacement gates and any existing gateways to be infilled with new hedging. The plan should clearly distinguish between different gate types. Elevation details of each proposed gate type shall also be provided;

h) construction details for proposed hardstanding's, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

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

- 7) Notwithstanding the submitted details and prior to the commencement of the development a detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. Relevant details may include but are not

limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the Local Planning Authority.

- 8) Notwithstanding the submitted landscape details, prior to the commencement of development a site-specific Ecology Management and Maintenance Plan (EMMP) shall have been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of ecological elements and bio-diversity measures. The EMMP shall set out the ecological aims and objectives for the site along with the specific management objectives for each ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided. The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgelink - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section. The EMMP shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

All management, maintenance inspection and monitoring shall thereafter be carried out in accordance with the approved EMMP for the duration of construction and the operational phase of the development.

- 9) The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within Section 4 of the Ecological Appraisal, prepared by Devon Wildlife Consultants (2022) Ref: 21/3754.01.
- 10) Within 12 months of commencement of the development hereby permitted a Decommissioning Plan covering the removal of all infrastructure from the site and identifying any areas of new habitat creation/planting and any tracks and hardstanding's which are to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The plan should show how and when the site will be returned to agricultural use and shall include a demolition and restoration programme. The development shall thereafter be carried out in accordance with the approved details including any variations to the Decommissioning Plan as may be approved by the Local Planning Authority from time to time.
- 11) No permanent external lighting shall be installed on the site until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in accordance with the approved details and no further lighting shall be

installed without a grant of express planning permission from the Local Planning Authority.

- 12) Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.
- 13) 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 Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy (Report Ref. CRM.2035.001.HY.R.001.B, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations;
 - 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.No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) to (d) above.

End of Schedule