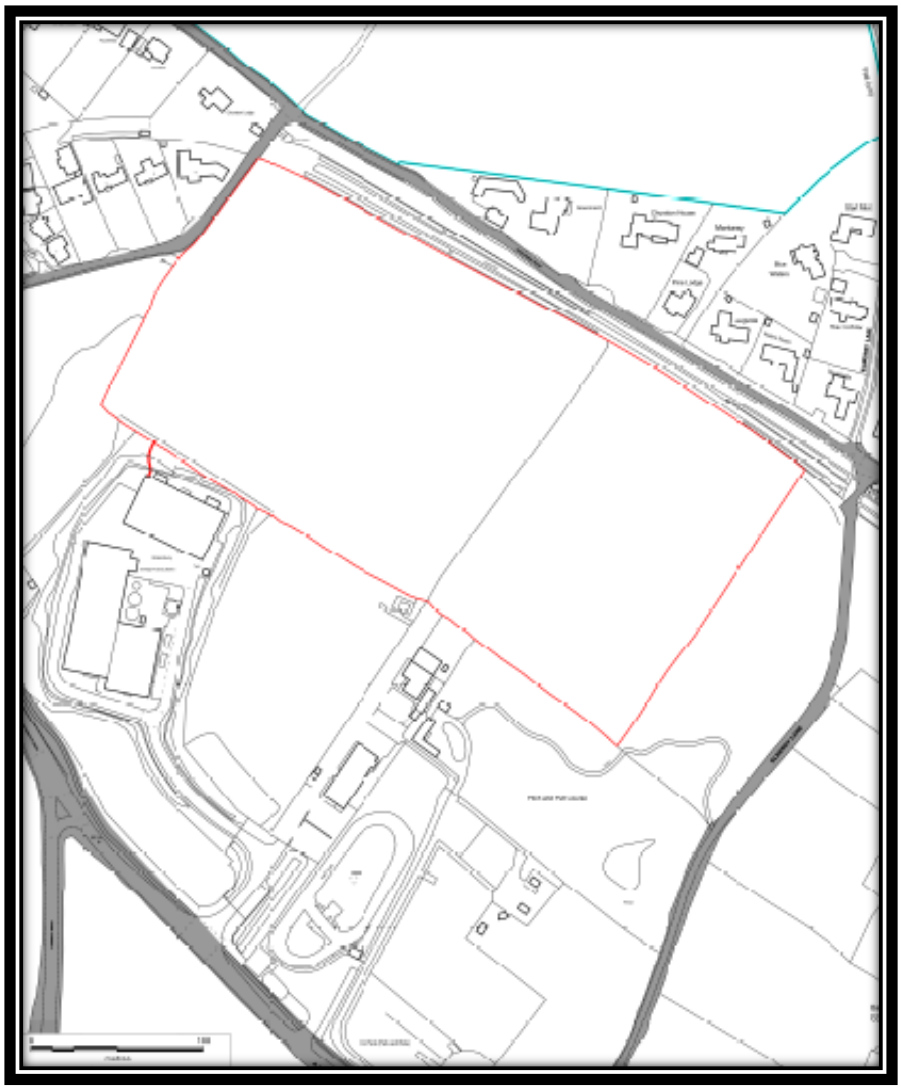
TORBAY COUNCIL

Application Site Address	Land at Brokenbury Farm, Galmpton, Brixham
Proposal	Formation of a solar farm & associated equipment to include installation of fencing, CCTV, landscaping & ecological mitigation.
Application Number	P/2021/0658
Applicant	TDA
Agent	Fisher German LLP
Date Application Valid	28.05.2021
Decision Due date	27.08.2021
Extension of Time Date	18.11.2022
Recommendation	Approval: Subject to; The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major Planning Application
Planning Case Officer	Mr. Alexis Moran

Site Location



Update Report

At the Planning Committee meeting of 10.01.2022 this application for the formation of a solar farm & associated equipment to include installation of fencing, CCTV, landscaping & ecological mitigation, was recommended by the case Officer for approval. Members of the Planning Committee determined to defer the application in order to enable consultation to be carried out with Devon and Somerset Fire and Rescue Service in respect of the concerns raised about fire issues, to ask if the applicant would consider if the panels could be located in the adjacent field to improve the visual impact and to engage with the community on an acceptable scheme.

Whilst for clarity this report is presented as an addendum to the original report the original report is set out below and Members will be aware that this application and all material considerations need to be considered afresh at this meeting.

Revised Layout

The solar panels have been relocated within the site boundary with the majority now being sited in the eastern field over an area of 0.7ha. The remaining 33 panels are to be located to the eastern most point of the first field (over an area of 0.2ha) which also comprises the transformer kiosk and the temporary construction compound. The revised solar farm has an energy generation capacity of approximately 2MW.

The solar array will be enclosed with dark green perimeter fencing with a maximum pole height of 2.2m and fence height of 1.95m for health, safety and security reasons. Beyond the fence line is a gap of varying depths to allow maintenance access, avoid tree root protection areas and provide space for landscaping. A number of CCTV poles are periodically positioned around the perimeter to monitor the site.

Outside of the fenced area and to the northwest of the western field lies the associated construction parking, an access track is proposed along the southern and western boundary of the site, providing access from Bridge Road.

The proposal also includes additional hedge row boundary planting and local ground raising is proposed within the central area of the western field by 2.0m with 1:6 slopes extending northwards, this is to accentuate an existing raised landform on the centre of the field. The landscaping bund is made up of material from the excavation of the trackway and the parking area. These areas lie outside of the area noted as having archaeological significance.

The existing agricultural use of the western field will remain with access retained. The proposed development is temporary (30 years) and is proposed to be fully decommissioned at the end of the period restoring the land to agricultural use.

The solar panels do not require concrete foundations, and therefore little excavation is necessary.

Summary of Representations resulting from re-consultation

Four additional objections have been received with are summarised below;

- inappropriate location which will impact on a residential area
- the construction of this site would cause immense disruption to a quiet and peaceful location.
- impact on local wildlife
- health risks posed by increased radiation.
- loss of prime agricultural land

It should be noted that there is no clear evidence to suggest that electro-magnetic radiation or fire risk present a significant risk to health and safety and are not reasons which could reasonably be used to refuse the grant of planning permission.

Additional Consultations Responses;

Devon & Somerset Fire & Rescue Service - *From a statutory Fire Safety perspective and if the proposal will be subject to Building Regulations, then the Regulatory Reform (Fire Safety) Order 2005 will likely apply. As such, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority at that time where items such as access and facilities for the fire and rescue service will be assessed. Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations.*

I have forwarded your email onto my colleagues in the operational risk team. They will respond accordingly if they have any comments to make about fire risks.

Natural England – No objection subject to conditions. The previously agreed HRA does not require amendment.

DCC Ecology – No objection.

Brixham Town Council – Supports proposals for renewable energy but remains concerned by its location. It remains unclear what impact on nearby properties would be and Members raised concerns about the site having possible historic interest.

Highways - No objection, subject to the conditions previously proposed.

Environmental Health – No objection subject to accordance with the submitted CMS and the inclusion of restrictions on hours of construction works.

Climate Emergency Officer – Supports the application as per previous comments of 20.08.2021.

DCC Archaeology - The submitted archaeological evaluation report (Cotswold Archaeology, June 2022) for the revised location of the proposed panels, has established that this area does not contain any significant archaeological evidence or potential. Therefore, there is no objection to the development in this location.

However, there will still be groundworks, for the proposed entrance and access track, in the field containing the known Iron Age settlement enclosure and where Bronze Age artefacts have been found. The proposed groundworks for the access works have the potential to expose and destroy archaeological evidence. Albeit on a much reduced scale compared to the original proposal. The impact of development upon this should be mitigated by a programme of archaeological work that should record any archaeological evidence that will otherwise be exposed and destroyed by groundworks.

A pre-commencement condition requiring the submission of a Written Scheme of Investigation is necessary which sets out a programme of archaeological work to be undertaken in mitigation for the loss of any heritage assets with archaeological interest. The condition will ensure that archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

Key Issues/Material Considerations

Planning Officer Assessment

1. Revised Visual Impact and Landscaping
2. Fire Safety.
3. Impact on Residential Amenity.
4. Ecology and Biodiversity
5. Archaeology

The key considerations resulting from the deferment of the application at the Planning Committee meeting of 10.01.2022 are the visual impact resulting from the solar panels being located in the adjacent field and the outcome of the consultation with Devon and Somerset Fire and Rescue Service.

The addendum to the Statement of Community Involvement advises that additional consultation was undertaken.

Other considerations include the impact on residential amenity, the impact on ecology and archaeology that result from the revisions to the siting of the solar panels and associated development.

Revised Visual Impact and Landscaping

Concerns from Members related to the visual impact of the solar panels on the landscape with Policy E6 (Views and Vistas) of the BPNP being of relevance as the site is displayed in View Point 6 (a field gate on Bridge Road), which is recognised for its role in providing views towards Churston Village.

As per the requirements of Policy E6, a Landscape and Visual Impact Assessment (LVIA) has been carried out to understand the potential effects of the revised location of the solar panels on the landscape character and the visual context.

The proposal includes additional planting and hedge rows as well as some localised ground raising at the centre of the site. The purpose is to provide additional visual screening towards the solar arrays and the associated buildings in views from Bridge Road. The existing raised landform in the centre of the field will immediately provide some screening and the additional ground raising will block views from Bridge Road

(including the entrance gate) and the oblique views from the rising road approaches to the disused railway line overbridge.

Additionally, the revised location of the solar panels is set further to the east and on lower ground which will aid in limiting the overall visual impact of the panels on the open views towards Churston Village when viewed from the field gate on Bridge Road (View Point 6). This is evidenced in Appendix 4 of the revised LVIA which provides cross sections through the site.

Conclusions from the updated LVIA (July 2022) state the predicted visual impact of the proposed development in the revised location to the users of the public highway along Bridge Road would only be slightly susceptible to the changes and sensitivity is low with some minor visual impacts arising as a result of the introduction track at the site entrance running along the southern side of the field. Views of the proposed development within the south eastern field will be fully screened by the central hedgerow and further by the land raising. The overall predicted visual effect of the proposed development to the pedestrian and cyclist receptors using the public highway is Slight (Adverse)/Negligible.

The impact on the landscape character of the site from other external views, are concluded as either Negligible or Slight (Adverse) reducing to Negligible as the proposed hedgerow planting matures.

The LVIA states that the AONB is of low susceptibility to the proposed development within the site given its distance, topography, relative small size, the low lying nature of the solar arrays and small plant building and its well enclosed nature. This limits the extent of the potential effects of the development to the AONB. The innate special qualities of the AONB would not be altered detrimentally to cause undue harm as a whole.

The revised location of the solar panels and measures to provide landscaping mitigation are deemed to be accord with Policy E6 of the BPNP.

Fire Safety

The proposed development would be monitored externally and would not require permanent staff to operate it. The Fire Brigades Fire Safety Officer has advised that from a statutory Fire Safety perspective and if the proposal will be subject to Building Regulations, then the Regulatory Reform (Fire Safety) Order 2005 will likely apply, as such, a statutory consultation will be undertaken between the Building Control Body and the Fire Authority at that time. Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations. Building control have advised that the ancillary buildings may require building regulation approval, as the solar panels do not have foundations, they will not require building regulation approval.

The Fire Brigades Fire Safety Officer advised in their consultation response that the proposal had been forwarded onto the Operational Risk Team and that they would respond accordingly if they have any comments to make about fire risks. No further comments have been received and therefore it is considered that there are no risk concerns with regards to fire safety.

As stated in the original report, the energy storage system used is designed for grid energy storage and comes with multiple safety precautions to avoid thermal runaway which is the main fire risk of using batteries in grid storage. These include a control system that monitors the input of energy into and the output of energy from the batteries to ensure the rating of the batteries is never exceeded. Groups of battery units will be fused to limit the current flow in those sections and fuses will blow before the batteries are subjected to excessive current that could cause batteries to heat up excessively. The charge monitoring unit will ensure the batteries are not over charged, and usually hold the maximum state of charge at least 5% under the rated capacity of the battery units but this will be specific to the battery technology used and the manufacturers recommended charging requirements. The battery units will also have a built-in cooling system designed to keep the cells at the desired operating temperature.

The battery storage units are also designed to identify excessively hot battery units before a fire starts. In this event the system would shut down and start a venting system to extract the warm hot air.

Impact on Residential Amenity

An addendum to the originally submitted Glint and Glare Assessment has been submitted and, in combination with the analysis of the original, it concludes that the new siting of the solar panels would have no impacts on road safety, residential amenity or railway operations and so subsequently no mitigation measures are required.

The construction phase will naturally result in some temporary impacts. A Construction Method Statement has been included with the revised application, the Environmental Health Officer has confirmed that the submitted details are acceptable and a condition requiring accordance with this, as well as a restriction on hours of construction, has been added.

As previously stated, it should be noted that there is no clear evidence to suggest that electro-magnetic radiation or fire risk present a significant risk to health and safety and are not reasons which could reasonably be used to refuse the grant of planning permission.

In summary the proposal is deemed to provide a satisfactory form of development in terms of protecting the amenities of neighbouring occupiers, in accordance with Policy DE3 of the Torbay Local Plan.

Ecology

The revised siting of the solar panels does not require the previous HRA to be amended and this has been confirmed by Natural England.

A net gain in biodiversity of over 10% will be achieved within the Site. This is based on the inclusion of the following key habitat enhancements:

- The widening and enhancement of the field margins to create species-rich grassland including up to 10m margins along within the south-eastern field, and to provide improved opportunities for a range of species, including Greater Horseshoe

bats and Cirl Bunting, and compliment existing hedgerow and bordering woodland habitats.

- A new species-rich native hedgerow along the north-eastern and south-eastern perimeter fences surrounding the solar park. This will create a double parallel hedgerow along these sections of the north-eastern boundary between the hedgerows and Churston Railway CWS and central field boundary between the two fields. Gapping up planting of retained hedgerows/banks should also be undertaken where appropriate. This will include additional scrub and tree planting along the north-eastern boundary of the south-eastern field.

The proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan.

Archaeology

The archaeological evaluation submitted with the states that there was no evidence of Iron Age activity identified within the excavated trenches, suggesting that the activity recorded to the north during the preceding phase of evaluation does not extend into the current site area. As such the revised location of the solar panels is not considered to have an impact on any aspects of archaeological interest in areas proposed for solar panels within the site.

However, the County Archaeologist and Historic Environment Manager has advised that there will still be groundworks, for the proposed entrance and access track, in the field containing the known Iron Age settlement enclosure and where Bronze Age artefacts have been found. The proposed groundworks for the access works have the potential to expose and destroy archaeological evidence. Albeit on a much reduced scale compared to the original proposal. The impact of development upon this should be mitigated by a programme of archaeological work that should record any archaeological evidence that will otherwise be exposed and destroyed by groundworks. Consequently, the archaeological program of works condition proposed in the original report of 10.01.2022 is retained.

Conclusion

At the Planning Committee meeting of 10.01.2022. Members of the Planning Committee determined to defer the application in order to enable the applicant to consider if the panels could be located in the adjacent field to improve the visual impact and so that consultation to be carried out with Devon and Somerset Fire and Rescue Service in respect of the concerns raised about fire issues and to engage with the community on an acceptable scheme.

Officers consider that the revised location of the solar panels addresses the concerns of Members in terms of the visual impact of the proposal which now has minimal impact when viewed from the field gate on Bridge Road (View Point 6 of Policy E6). The revised siting of the panels is deemed to accord with the requirements of Policy E6 of the BPNP.

The fire safety officer has been consulted on the application and the fire aspect of the proposal falls outside of the considerations of this planning application.

The revised proposal is considered acceptable in principle and would not result in unacceptable harm to the character of the area, local amenity, heritage assets, biodiversity or highway impacts and will have positive environmental benefits.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Brixham Peninsula Neighbourhood Plan, the NPPF, and all other material considerations.

Previous Officer report to Planning Committee on 10.01.2022

Site Details

The site is located to the south of Bascombe Road and to east of Bridge Road. The application site area is 6.7 ha and comprises of two arable agricultural fields with no existing structures on site. There are residential dwellings to the north, north-east and north-west of the site.

The northern boundary is adjacent to a disused railway, the Churston Railway County Wildlife Site. To the east and south is a small pitch and putt golf course,

there is a farm shop to the south. South West Water treatment works is located to the south west.

The site is bound on all sides by established hedgerows and trees which screen views to the site from the residential environment to the west off Bridge Road, and north off Bascombe Road.

The site does not contain any designated heritage assets and lies approximately 100m to the west of the Churston Ferrers Conservation Area. There is however some evidence of Bronze Age works within the site. The Devon County Archaeologist advises that finds such as this are rare in Devon and that part of the site should be considered as a non-designated heritage asset.

The site is within the Greater Horseshoe Bat sustenance zone. Bascombe Road (including hedgerows) is recognised as a 'Locally Important Site for Wildlife and Geology' and the South West Water Treatment Works, Brokenbury Quarry site, is designated as a Regionally Important Geological Site (RIGS) (Policy NC1 from within the adopted Local Plan).

The application site is located approximately 300m to the east of the AONB boundary. The site is within Flood Zone 1, an area at very low risk of surface water flooding.

There are no Public Rights of Way within the site. A National Trail route runs along Bridge Road and Bascombe Road.

In terms of Local Plan designations, the site is within the Countryside Zone and an area of search for a sport facility. However, the allocation in the Brixham Peninsula Neighbourhood Plan is as a Settlement Gap.

Description of Development

The application proposes the formation of an array of photovoltaic panels which, along with the associated access track, hardstanding and built development would cover approximately 1.4 ha of the western field. The array would be within a wider

fenced area extending to 3.5ha. The photovoltaic solar panels are low profile and appear as black cells. The panels are mounted and have a maximum height of 2.89m from ground level.

The development would consist of rows of PV solar panels from west to east across the site which would be orientated to face south towards the sun. The proposed development is divided into two banks of panels divided by a 5m wide maintenance gravel access track. The panels do not need to be fixed onto a concrete base and therefore limited excavation is required, this also means that they can be removed with relative ease and the land returned to its previous state if necessary.

The proposal also includes some ancillary buildings which include a transformer kiosk and switch gear kiosk, and two battery storage container units to be located in the south-west corner of the site. The height of the two proposed kiosks is to be 3.5m and the façade of the kiosk will be brick. The proposed battery storage unit container will be housed within a storage container measuring 2.6m in height and 12m in length. The solar array will be enclosed with dark green perimeter fencing with a maximum pole height of 2.1m and fence height of 2m for health, safety and security reasons and CCTV poles will be sited around the perimeter to monitor the site.

The proposed development includes comprehensive landscaping proposals around the perimeter of the western field, and the south-east field. Approximately 2ha will remain in agricultural use and provide ecological mitigation at the margins.

Access to the site is currently achieved via a gated entrance on Bridge Road along the western boundary of the site utilised by agricultural vehicles.

It is proposed that the adjacent SWW facility will use the electricity generated onsite, with any surpluses fed to the National Grid increasing the amount of clean renewable energy generated and consumed locally.

Pre-Application Enquiry

Pre-Application Advice was provided by Torbay Council in September 2020. The advice indicated that the application would require a Habitat Regulation Assessment Appropriate Assessment, because mitigation will be required in relation to greater horseshoe bats and that a Landscape Impact Assessment would be required to assess landscape impact. The pre-application response acknowledges that Torbay Council declared a Climate Emergency in June 2019 and that the provision of renewable energy must be given substantial weight. Early engagement with the Brixham Peninsula Neighbourhood Plan Group was recommended.

Overall, the without prejudice view, at the pre-application stage, was that the proposed development would gain officer support subject to consultations and the outcome of survey work.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Brixham Peninsula Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary of Representations

Seventeen objections have been received from fourteen households .

The key issues raised by objectors are as follows:

- Proximity to residential area and school – loss of amenity
- Health and safety, electro-magnetic radiation and fire risk
- Highways danger
- Impact on AONB and Countryside Zone
- Impact on ecology
- Contrary to Local Plan and Brixham Peninsula Neighbourhood Plan
- Impact on significance of prehistoric features

Summary of Consultation Responses

Historic England - No objection

Torbay Council Senior Tree and Landscape Officer –
Having reviewed the submitted arboricultural information the project is sustainable from an arboricultural perspective. We will require a compliance condition for the submitted Tree Protection Plans and a pre-commencement AMS for the sequence of operations and site inspection frequency.

Sport England – No comment received

Environment Agency - No comment received

Torbay Council Drainage Engineer – no objection

Brixham Town Council – Object on the grounds of the proposal having a detrimental impact on the amenity of neighbours and “negatively impact nearby developments.”

RSPB – No objection

DCC Archaeology – No objection subject to a pre-commencement condition regarding the submission of an archaeological written scheme of investigation and the implementation of a programme of archaeological works in order to ensure the retention of the Iron Age enclosure.

DCC Ecology – No objection. An HRA/AA has been undertaken which confirms that subject to the mitigation measures being secured, the proposal will have no adverse effect on the integrity of the South Hams SAC alone or in combination with other proposals or projects.

Natural England –No objection, subject to appropriate mitigation being secured through condition.

SWW – no objection, advice on asset protection provided.

Climate Emergency Officer -
“There is a clear and compelling rationale to mitigate and adapt to a changing climate, which is why Torbay Council declared a climate emergency in June 2019 and committed, to becoming a Carbon Neutral (CN) council and working with others to create a carbon neutral community by 2030 (Torbay Community and Corporate Plan (2019-2023)).

Nationally the UK is committed to achieving net zero by 2050, and to a 78% reduction in greenhouse gases by 2035. A raft of policies and strategies highlight the importance of generating clean low/zero carbon energy in meeting these targets. Locally this is also reflected in the adopted Torbay Energy and Climate Change Strategy (2014-19).

In order to achieve national and local net zero and carbon neutral targets, one of the key things we will need to do is to change the way we power our homes and businesses. This will mean rapidly increasing the amount of low carbon and renewable energy generated across the UK, including, where appropriate, in Torbay. This will be from a range of sources including solar energy.

Currently renewable energy production in Torbay is limited, and mainly from small roof mounted solar photovoltaic panels which provide just 1.6% of Torbay's current electricity consumption. This proposed solar scheme on land at Brokenbury Farm is predicted to generate 2.7 megawatts of clean electricity through a ground mounted solar array. It is proposed that SW Water will use this electricity onsite, with any surpluses fed to the National Grid. Such a scheme will increase the amount of clean renewable energy generated and consumed locally.

At present our national energy system is decarbonising but is not yet fully powered by renewable energy sources. This results in carbon dioxide being emitted at the point of electricity generation. By generating a predicted 2.7 megawatts of clean electricity, this proposed scheme will therefore help play a role in reducing Torbay's carbon emissions and help achieve its carbon neutral 2030 target.

Police Liaison Officer – no objection

Torbay Council Highways Consultant - *Based upon the information submitted by the applicant at the time of writing, the Highway Authority offers no objection to the proposed development on the condition that: the extent of hedge identified in red on drawing (ref. 3495.ENG.12) is removed to achieve the required visibility splays prior to commencement of construction.*

As noted in paragraph 4.6.3 of the submitted CTMP the applicant will also be required to submit, prior to commencement of construction, a Traffic Management Plan for agreement with the Local Highway Authority. This should include the relevant traffic management controls requested as part of this document and will be applicable to all employees and sub-contractors involved with construction.

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Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Development
2. Visual Impact and Landscaping
3. Impact on Residential Amenity.
4. Impact on Highway Safety.

5. Ecology and Biodiversity
6. Low Carbon Development and Climate Change
7. Archaeology

1. Principle of Development

A key issue in considering the principle of this development is the Local Plan and Neighbourhood Plan designations for the site.

The site is designated as Countryside Area in the Local Plan to which Policy C1 applies. This policy restricts development that would result in the loss of open countryside or create urban sprawl. However, Policy C1.8 states that "appropriate renewable energy development" can be suitable in the Countryside, provided that the rural and landscape character, wildlife habitats, green corridors and historic features are not adversely affected, and necessary mitigation measures are carried out.

The Local Plan also refers to the site as an area for 'Proposed Sports Facilities - Area of Search' (Policy SC2.6). The Brixham Peninsula Neighbourhood Plan (BPNP) did not reiterate the Local Plan's allocation as an area of search for sports facilities and designates the site as a 'Settlement Gap' between Galmpton and Churston Ferrers (Policy E3).

Policy E3 advises that within the settlement gaps development proposals must meet the criteria set out in Policy C1 of the Torbay Local Plan and that no development that visually and or actually closes the gaps between these urban areas will be supported. The Policy justification goes on to state that these separating countryside strips, or "settlement gaps" provide:

- an open characteristic to the area which draws in views of distant landscapes;
- separation which prevents coalescence and the merging of settlements; or
- corridors which physically connect to and interact with the wider countryside

Although these issues will be considered in more detail later in this report the introduction of a solar farm will have some impact on the open character of the site, albeit less than housing or other development. It would therefore appear that there

would be conflict with Policy E3 of the BPNP in landscape terms. This would however need to be weighed against other development plan policies and material considerations, including Policies SS14 and ES2 of the Local Plan and BH7 of the BPNP.

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy BH7 of the Brixham Peninsula Neighbourhood Plan advises that new development is encouraged to incorporate, adaptive technologies, eco-innovation and other measures to combat climate change and enable sustainable lifestyles.

Local Plan Policy ES2 states that the Council will support, in principle, proposals for new renewable and low-carbon energy generating systems at all scales, including district heat and power and community projects. The wider environmental, community and economic benefits of proposals of these systems will be given great weight. Proposals for renewable and low-carbon infrastructure will be considered against other Policies in the Local Plan. It goes on to advise that development will not be permitted where the negative impacts of the proposal outweigh the benefits of the scheme. In particular, provision of new renewable energy infrastructure will only be approved where the Council has ascertained that it would not have an adverse effect on the integrity of any site protected under European legislation

Chapter 14 of the NPPF relates to meeting the change of climate change, para 152 states that the planning system should support renewable and low carbon energy and associated infrastructure. Torbay Council declared a climate emergency in June 2019 and committed, to becoming a Carbon Neutral council and working with others to create a carbon neutral community by 2030 (Torbay Community and Corporate Plan (2019-2023)).

The Councils Climate Emergency Officer has advised that renewable energy production in Torbay is currently limited and mainly from small roof mounted solar photovoltaic panels which provide just 1.6% of Torbay's current electricity consumption. The proposed solar scheme is predicted to generate 2.7 megawatts of

clean electricity through a ground mounted solar array. The generation of clean electricity provided by this scheme will help play a role in reducing Torbay's carbon emissions and help achieve its carbon neutral 2030 target.

As previously noted there is likely to be some conflict with Policy E3 of the BPNP (although this will be considered in more depth later in the report) however in principle the proposal accords with the development plan taken as a whole and even if there is some conflict with Policy E3, the Climate Emergency and related policies in the Local Plan as well as Chapter 14 of the NPPF represents material consideration which tip the balance in favour of the proposal in principle. This broad position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the forthcoming sections of this assessment.

2. Visual Impact and Landscaping

Policy SS8 (TLP) states that development proposals outside of the AONB designation (the site is not within the AONB) will be supported where they conserve or enhance the distinctive character of Torbay, or where the impact is commensurate with the landscape importance. As previously noted, Policy E3 advises that within the settlement gaps development proposals must meet the criteria set out in Policy C1 of the Torbay Local Plan and that no development that visually and or actually closes the gaps between these urban areas will be supported. The Policy justification goes on to state that these separating countryside strips, or "settlement gaps" provide:

• an open characteristic to the area which draws in views of distant landscapes;
• separation which prevents coalescence and the merging of settlements; or
• corridors which physically connect to and interact with the wider countryside

Policy E6 of the BPNP states that proposals for developments which affect these views and vistas should demonstrate that landscapes are safeguarded with their importance and be accompanied by a visual impact assessment appropriate to the size and scale of the proposal. The site is recognised for its role in providing views towards Churston Village (E6.6). As per the requirements of Policy E6, a Landscape and Visual Impact Assessment (LVIA) has been carried out to

understand the potential effects of the proposals on the landscape character and the visual context.

The site is located outside the South Devon AONB which is some 300m to the east of the site. The Site is located within the Devon Landscape Character Area LCT 3B: Lower rolling farmed and settled valley slopes. Within the more local Torbay Landscape Character Assessment the Site is located within landscape character areas LCT 1 Rolling Farmland and, at more detailed level, Area of Local Character: 1P South Galmpton and Lupton.

The majority of the field area to the north-west will be subject to development, but the existing site boundary hedgerows and trees will not be affected or altered, and the surface of the field will change to permanent grassland from the changing crops associated with arable farming. The field within the south-east of the site will not be subject to any additional built form.

The submitted LVIA describes the local and wider landscape context to the site as strongly defined as a contained area due to it low lying topography and strongly vegetated boundaries on all but its western side where it abuts an urban area.

Further strengthening is proposed to a length of the boundary hedgerow to the west with new native species hedgerows, tree planting and shrub planting is proposed to increase the height and thickness of the existing hedgerow and to provide greater screening in views gained from Bridge Road towards the north-west of the proposed development on site. The proposed planting measures will provide strengthened visual screening of the development on site over time as they establish and mature.

A new hedgerow is proposed alongside the northern side of the proposed security fence and groups of trees alongside the northern site boundary are proposed. These will aid in strengthening the existing screening provided by the woodland belt running adjacent to the north boundary of the site to glimpsed views gained by drivers, cyclists and pedestrians using Bascombe Road. Views above the woodland into the site in this location from the first floors of residents of two houses along the northern side of the road will also be further screened.

Glimpsed views gained by pedestrians using the publicly accessible path within Churston Golf Club course to north of Bascombe Road will similarly be further screened by the above measures. Over time and as the landscaping measures mature, the views will be fully screened and the predicted visual effect reducing.

The LVIA advises that the predicted level of visual effect of the proposed development and landscape mitigation, is negligible to the South Devon AONB, landscape character areas LCT 1 Rolling Farmland and Area of Local Character: 1P South Galmpton and Lupton, Site Local Context Landscape Character, Site Wider Context Landscape Character.

The submitted LVIA lists the landscape mitigation measures set to strengthen the visual screening from the local area viewpoints (in particular View Point E6.6 of the BPNP). Whilst the ground mounted solar panels are relatively low-lying, the development includes landscape strengthening to the hedgerows to screen the site from cyclists, walkers and road users along Bridge and Bascombe Road. The landscape proposals will provide additional hedgerow and tree landscape features which will mature and grow over time and be in keeping with the existing landscape on site and the local landscape context. The LVIA advises that current site has an almost wholly enclosed character separating it from the local landscape and will only materially affect the existing site landscape character, and not alter the existing local or wider context landscape character.

The LVIA advises that the proposed scheme will result in a moderate change to the landscape character of the site, but that this would only be a barely perceptible, negligible change to the characteristics of the landscape local and wider context character areas, and as the proposed landscape planting measures mature, the effects will lessen further.

There is a requirement to pay special attention to the desirability of preserving or enhancing the setting of listed buildings, and in terms of this development there is a Grade II Registered Park and Garden, Lupton Park and its Listed Building are some 85m to the south-west of the site. Additional information was provided with regards

to the potential impacts on Lupton Park Registered Park and Gardens which are some 400m to the south-east of the site. The conclusion of this was that the proposals would result in no harm to the significance of the Grade II* Registered Park and Garden Lupton Park and its Listed Buildings, in accordance with the NPPF. Historic England have confirmed that they agree there would be no resulting harm to the Registered Park and Gardens from the proposed development.

The key landscape issue, and a key issue to this application, is whether the solar farm would visually or actually close the settlement gap. The LVIA concludes that there would be some local impacts resulting from the addition of the solar panels and ancillary development, particularly from the viewpoint E6.6 of the BPNP which looks from a field gate on Bridge Road across to Churston Village. However, subject to the landscaping mitigation, wider visual impacts and those from the AONB appear to be minimal. When considering the relatively low height of the solar panels and the additional landscaping it would be reasonable to conclude that the physical closing of the settlement gap would not translate to a broad visual closing of the gap from wider views of the landscape. Nonetheless, the view from the field gate on Bridge Road would be altered and the impact of this needs to be considered against the clear benefits of clean energy production. It is considered that, despite there being some conflict with Policy E3 (and E6 to an extent) of the BPNP, the proposal accords with the development plan taken as a whole. Notwithstanding conflict with Policy E3 the accordance with other policies in the Local Plan and BPNH, plus the Climate Emergency and Chapter 14 of the NPPF tip the balance in favour of the proposal.

It is considered that the proposed appearance, landscaping, layout and scale of the development would not result in unacceptable harm to the character of the area. Based on the information provided, the proposed development is, for the reasons above, considered to provide a satisfactory form of development in accordance with Policies SS8 and C1 of the Torbay Local Plan, Policy E3 of the BPNP and the NPPF.

3. Impact on Residential and Local Infrastructure Amenity

Policy DE3 of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring occupiers and surrounding users, the closest of which are to the north of the application site.

A Glint and Glare Assessment has been submitted with the application which assesses the possible effects of glint and glare from the proposed solar panels on surrounding road users, dwellings, the school and associated railway infrastructure. This concluded that there would be no significant impacts and so subsequently no mitigation measures were required.

In terms of roads, the assessment advises that the glint and glare modelling has shown that solar reflections are geometrically possible towards five receptors, totalling approximately 500 metres along the A3022, and no receptors along the A379. However, no effects are predicted to be experienced by a road user along this section of the A3022 in practice due to intervening screening in the form of existing vegetation, commercial buildings, and/or surrounding dwellings.

The glint and glare modelling has shown that solar reflections are geometrically possible towards 43 out of the 64 assessed dwelling receptors. However, the assessment predicts that no effects will be experienced by an observer in any of the dwellings in practice due to intervening screening in the form of existing vegetation, commercial buildings, and/or other surrounding dwellings.

Based on the distance of the railway line from the proposed development, the glint and glare assessment concludes that there would not be a significant impact upon the safety of railway operations.

In terms of safety and particularly in relation to fire, the energy storage system used is designed for grid energy storage and comes with multiple safety precautions to avoid thermal runaway which is the main fire risk of using batteries in grid storage. These include a control system that monitors the input of energy into and the output of energy from the batteries to ensure the rating of the batteries is never exceeded. Groups of battery units will be fused to limit the current flow in those sections and fuses will blow before the batteries are subjected to excessive current that could cause batteries to heat up excessively. The charge monitoring unit will ensure the batteries are not over charged, and usually hold the maximum state of charge at least 5% under the rated capacity of the battery units but this will be specific to the

battery technology used and the manufacturers recommended charging requirements. The battery units will also have a built-in cooling system designed to keep the cells at the desired operating temperature.

The battery storage units are also designed to identify excessively hot battery units before a fire starts. In this event the system would shut down and start a venting system to extract the warm hot air.

The construction phase will naturally result in some temporary impacts however this can be reduced by a condition requiring the submission of a Construction Method Statement which includes a restriction on the hours of construction and requires details of delivery and construction movement and parking to be submitted and approved by the Local Planning Authority prior to development.

In summary the proposal is deemed to provide a satisfactory form of development in terms of protecting the amenities of neighbouring occupiers, in accordance with Policy DE3 of the Torbay Local Plan.

4. Impact on Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any 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 (Para 108). It also furthers (Para 109) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development.

Access for the development will be achieved via an existing gated access off Bridge Road, which is currently used for agricultural vehicles. It is proposed to widen the existing access to 6.1m to accommodate construction vehicle movements. Post-construction phase, the applicant has stated that the access will be infrequently used for maintenance purposes.

The applicant has submitted traffic speed data which has identified an 85th percentile speed of 24.98mph and 26.57mph westbound and eastbound respectively. Based upon these recorded speeds the applicant has provided visibility splays to show a 'Y' distance of 33m and 37m respectively. The applicant has submitted a visibility splay drawing which identifies an 'X' distance of 2.4m. The Councils Highways consultant has confirmed that this is acceptable subject to a condition to ensure an extent of hedge is removed to achieve the required visibility. Highways have confirmed that they have no objection to the development subject to the submission, of a Traffic Management Plan for agreement with the Local Highway Authority prior to commencement of development.

The proposal is considered acceptable on highway and movements grounds, and in accordance with the Policy TA2 of the Torbay Local Plan, Policy BH8 of the Brixham Peninsula Neighbourhood Plan and the NPPF.

5. Ecology & Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

The site is within the Greater Horseshoe Bat Sustenance Zone for the South Hams SAC associated with the Berry Head SSSI designated roost. Greater Horseshoe bats were recorded in low numbers, mainly around the boundaries of the southern field, including the southern end of the central hedgebank and north-eastern boundary of this field, with very infrequent use of the north-western boundary. The grassland habitat in the centre of the field does not offer GHB foraging habitat.

The northern boundary will be enhanced as a “green lane” in order to protect it as a sheltered, dark commuting corridor for bats. There will be a minimum of a 5m buffer of semi-natural habitats proposed between the solar park perimeter security fencing and the northern boundary to protect this as a commuting corridor. A new native species-rich hedgerow will be created along the north-eastern and south-eastern boundaries of the solar park, creating a double parallel hedgerow along the top part of the central boundary between the two fields and between the hedgerow and woodland edge. Native species-rich grassland will be created within field margins which will provide enhanced foraging opportunities.

An HRA/AA has been undertaken which confirms that provided the mitigation measures (as set out in Section 14 of the HRA/AA) are secured by condition, there will no adverse effect on the integrity of the South Hams SAC alone or in-combination with other proposals or projects.

The site is within a Cirl Bunting consultation zone, one Cirl Bunting territory was recorded onsite during summer 2020 Cirl Bunting surveys. The proposal will cause a small loss of potential Cirl Bunting habitat (6m hedgerow habitat). The grassland within the site is deemed to offer negligible foraging habitat for Cirl Bunting. All other suitable vegetation for Cirl Bunting’s will be retained and enhanced. In terms of mitigation a new native species-rich hedgerow will be created along the north-eastern and south-eastern boundaries of the solar park, creating a double parallel hedgerow along the top part of the central boundary between the two fields and between the hedgerow and woodland edge. Native species-rich grassland will be created within field margins which will provide enhanced foraging opportunities for Cirl Buntings. The mitigation measures will be secured via conditions.

In light of the foregoing the proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan.

6. Low Carbon Development and Climate Change

Policy SS14 of the Local Plan relates to ‘Low carbon development and adaptation to climate change’ and seeks major development to minimise carbon emissions and the use of natural resources.

As noted earlier in this report, Local Plan Policy ES2 states that the Council will support, in principle, proposals for new renewable and low-carbon energy generating systems at all scales, including district heat and power and community projects. The wider environmental, community and economic benefits of proposals of these systems will be given great weight. Proposals for renewable and low-carbon infrastructure will be considered against other Policies in the Local Plan. It goes on to advise that development will not be permitted where the negative impacts of the proposal outweigh the benefits of the scheme. In particular, provision of new renewable energy infrastructure will only be approved where the Council has ascertained that it would not have an adverse effect on the integrity of any site protected under European legislation.

The proposal is predicted to generate 2.7 megawatts of clean electricity which will help play a role in reducing Torbay's carbon emissions and help achieve its carbon neutral 2030 target.

The development is in accordance with Policy SS14 and ES2 of the Torbay Local Plan Policy BH7 of the BPNP and advice contained within the NPPF.

7. Archaeology

Policy SS10 of the Local Plan states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built and natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay. This includes all designated and undesignated heritage assets, including scheduled monuments, historic buildings (both nationally listed and of local importance), registered historic parks and gardens, conservation areas, and archaeological remains. All heritage assets will be conserved, proportionate to their importance. Policy BE1 of the BPNP advises that proposals which affect non-designated heritage assets must comply with the relevant Local Plan policies and the NPPF.

The archaeological evaluation of the site confirms the presence of an enclosure, of early Iron Age date, in the north-west part of the proposed development area. Sites

of this type and date are very rare in Torbay and also rare in wider Devon. This and the preservation of pottery and bone, as well as some internal cut features as well as the main ditch, suggest that it should be considered as a significant non-designated heritage asset. The evaluation suggests that the remainder of the site does not contain any significant archaeological constraints. Historic England have advised that they do not consider the site is worthy of Ancient Scheduled Monument status.

Consideration was given to altering the siting of the solar panels in the north-west section of the site however the additional increase in installation costs in terms of additional cabling and security fencing would mean that the scheme may not go ahead. As the solar panels are 'temporary' structures on the site in terms of their installation, an alternative solution which involves a 'no dig' engineered means of installation which would not impact on the area of archaeological importance beneath. The no dig engineered method is deemed to be an acceptable one and will be subject to a pre-commencement condition requiring the details of such a scheme to be submitted to the LPA for approval. Once this scheme is received the Devon County Council Archaeologist will be consulted for his approval. A pre-commencement condition regarding the submission of an archaeological written scheme of investigation and the implementation of a programme of archaeological works is deemed necessary in order to ensure the retention of the Iron Age enclosure.

Subject to the addition of suitably worded conditions, the proposal would have an acceptable impact on archaeology on the site and would accord with Policy SS10 of the Local Plan, Policy BE1 of the BPNP and guidance within the NPPF.

Other matters

Objections have been raised on the grounds of health and safety, in particular electro-magnetic radiation and fire risk. There is no clear evidence to suggest that either of these matters present a significant risk to health and safety and are not reasons which could reasonably be used to refuse the grant of planning permission.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn.

The Economic Role

Any surplus energy produced by the solar farm will be fed back into the grid to provide clean energy for consumers.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be neutral.

The Social Role

The generation of clean electricity provided by this scheme will help play a role in reducing Torbay's carbon emissions and help achieve its carbon neutral 2030 target.

On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role, the proposal would provide clean electricity to aid in fighting climate change. The proposal also includes ecological and landscape improvements. The generation of clean electricity provided by this scheme will help play a role in reducing Torbay's carbon emissions and help achieve its carbon neutral 2030 target.

It is concluded that the environmental impacts of the development weigh positively within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

HRA

HRA: The application site is within a strategic flyway/sustenance zone associated with the South Hams SAC. An HRA has been undertaken and the competent authority is satisfied that the development, as proposed, with all the avoidance and mitigation measures secured by condition, being implemented in full, will not adversely affect the integrity of South Hams SAC either alone or in-combination with any other plans or projects. The competent authority is satisfied there is no requirement to progress to Stages 3 and 4 of the HRA process.

EIA

As the site is over 5ha in area an Environment Impact Assessment screening was undertaken, the result of this was that the proposal did not require an EIA.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme would address the Development Plan aspiration towards sustainable development and the Councils Climate Emergency status and, notwithstanding some conflict with Policy E3 of the BPNP, would produce a positive impact overall and help with the supply clean energy and thus reducing Torbay's carbon emissions.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good

relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Updated Conclusions and Reasons for Decision

The proposal is considered acceptable in principle and would not result in unacceptable harm to the character of the area, local amenity, heritage assets, biodiversity or highway impacts. It will have positive environmental benefits and aid in Torbay becoming a Carbon Neutral Council and working with others to create a carbon neutral community by 2030.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Brixham Peninsula Neighbourhood Plan, the NPPF, and all other material considerations.

Updated Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Siting, form and materials

Solar Panels and the associated infrastructure shall only be located in the area of the site as indicated on the approved drawings and the details of the solar panels including height and materials shall accord with the approved details at all times.

Reason: In the interests of amenity and biodiversity in accordance with Policies DE1, DE3 and NC1 of the Torbay Local Plan.

CMS

The development shall be carried out in strict accordance with the details in the approved Construction Management Plan at all times. Construction hours shall be limited to:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development and in accordance with Policy DE3 of the Local Plan.

Removal of Equipment

After the 30 year project period the solar panel apparatus, the temporary construction compound, internal road and associated structures hereby approved shall be permanently removed from the site and the land shall be reinstated to its former condition or in accordance with details to be previously agreed with the Council.

Reason: To comply with Policy C1 of the Torbay Local Plan 2012-2030

Archaeological Programme of Work

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 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 Planning Authority.

Reason: To ensure that the development is undertaken in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and paragraph 205 of the National Planning Policy Framework (2021). This information is required prior to commencement in order to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

Visibility Splays

Prior to commencement of construction all vegetation shall be removed from the area highlighted red on drawing (ref. 3495.ENG.12). The area shall remain clear thereafter.

Reason: In the interests of highway safety, in accordance with Policy TA2 of the Torbay Local Plan 2012-2030. The removal of vegetation is required prior to any construction on site in order to achieve the required visibility splays.

TMP

Prior to commencement of construction a Traffic Management Plan shall be submitted to the Local Planning Authority for approval. This should include the relevant traffic management controls and will be applicable to all employees and sub-contractors involved with construction. Development shall take place in accordance with the Traffic Management Plan.

Reason: In the interests of highway safety, in accordance with Policy TA2 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure that traffic is properly managed from the onset of development.

Landscaping

All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the installation of the solar panels or at such other time as agreed by the Local Planning Authority in writing. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with Policies SS8, SS9, C4 and NC1 of the Torbay Local Plan 2012-2030.

Ecology - Nesting season

The removal of vegetation, other than that necessary to provide the visibility splays, shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Tree Protection Measures

Prior to the commencement of development, the tree protection measures outlined in approved tree protection plan shall be implemented in full. The approved protection measures shall be maintained in full throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030. These details are required to be implemented prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

Arboricultural Method Statement

Prior to the commencement of development an Arboricultural Method Statement (AMS) pertaining to but not exclusively excavation works in the RPA, the sequence of operations and site inspection frequency, timings of site visits, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved AMS.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details are required to be implemented prior

to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

LEMP

No development shall take place, including ground works and vegetation clearance until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall be prepared in accordance with the specifications in BS42020; clause 11.1 and shall include the following

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All development and post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure appropriate mitigation at all stages of development.

CEcoMP

Prior to the commencement of development (including ground works, vegetation clearance) a Construction Ecological Management Plan (CEcoMP) shall be submitted to and approved in writing by the local planning authority. The CEcoMP shall be prepared in accordance with specifications in BS42020; clause 10.2 and shall include the following.

a) Details of a ‘controlled light zone’ will be implemented on all site boundaries. This zone will be kept dark during peak bat activity periods (0.5 hours before sunset and 0.5 hours after sunrise during bat activity period of March to October) and spillage (where lighting is necessary) will not exceed 0.5lux.

b) Risk assessment of potentially damaging construction activities.

c) Identification of 'biodiversity protection zones'.

d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

e) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.

f) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEcoMP, and the actions that will be undertaken.

g) Responsible persons and lines of communication.

h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure appropriate mitigation at all stages of development.

Ecology

The development hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures set out in Section 5 of the Ecological Impact Assessment (Burton Reid Associates, August 2022) and the Shadow Habitats Regulations Assessment (Burton Reid Associates, August 2022). Prior to the first use of the development hereby approved, the applicant shall submit written confirmation from a suitably qualified ecologist that confirms the recommendations and mitigation have been implemented.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030

Badgers

Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures if required, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenities of the area and in the interests of biodiversity in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Lighting Strategy

Prior to the commencement of development, the applicant shall submit a detailed Lighting Strategy to the Local Planning Authority for approval. The strategy will minimise indirect impacts from lighting associated with the preconstruction, during construction and operational activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. The approved lighting strategy shall be retained as such for the life of the development unless otherwise agreed in writing with the Local Planning Authority. Should any of the lighting become damaged and need replacement, it shall be replaced with external lighting of the same type and specification. No other external lighting shall be provided.

Reason: To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030. This needs to be a pre-

commencement condition to ensure appropriate mitigation at all stages of development.

Drainage

In accordance with the submitted flood risk assessment received 28.05.2021, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

Relevant Policies

SS3 - Presumption in favour of sustainable development
SS9 - Green Infrastructure
SS10 - Conservation and Historic Environment
SS14 - Low Carbon Development and Adaptation to Climate Change
TA1 - Transport and accessibility
TA2 - Development access
DE3 - Development Amenity
ES1 - Energy
ES2 – Renewable and low-carbon infrastructure
C1 - Countryside and the rural economy
C4 - Trees, hedgerows and natural landscape features
NC1 - Biodiversity and Geodiversity
DE3 - Development Amenity
SC1 - Healthy Bay
SC2 - Sport, Leisure and Recreation
HE1 – Listed Buildings
E3 – Settlement Gaps
E6 – Views and Vistas