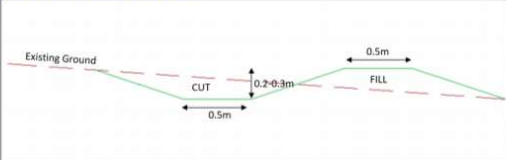


	Question	Response	Complete
1	How will we monitor / enforce so many potential conditions effectively, should the application be approved	To answer within update to report	Yes
2	Why has there been no noise assessment for the following potential areas; (a) Noise of the rain on the panels (raised by Cllr C .Daw at the meeting) . (b) Electrical hum from the panels and equipment. (c) Wind noise through the panels and equipment.	<p>The officer’s report advised that ‘the solar panels in themselves do not generate noise’ and that ‘Public Health has not raised an objection on the basis of noise.’</p> <p>The applicants advise that a noise assessment was not required for this application, but on the specific technical matters. The applicant our acoustics consultants advise as follows:</p> <p>(a) They are unaware of any proposal where the noise impact of rain has been considered or deemed to be a material planning consideration. The angled panels would, in any case, lessen the impact of precipitation in the immediate vicinity.</p> <p>(b) As noted by the planning officer, there is no hum from the panels. The only source of noise is the inverters, principally associated with the fans and usually only within 25 metres. The level of noise at the site boundary would be low, and the equipment does not operate during hours of darkness. Due to the separation distances the noise levels will be below a level which would represent the lowest observed adverse effects level, thus ensuring that the operation did not result in unacceptable levels of noise and thus ensuring full compliance with the requirements of the NPPF.</p> <p>(c) They are unaware of any case where this has been considered or deemed to be a material planning consideration. Given the scale, height and angled position of the panels it is considered that any audible sound of wind through them would be negligible.</p> <p>Officer are satisfied that an additional condition would not be reasonable and that condition 15 in tis reference to the Glint and Glare study sufficiently covers this matter.</p>	Yes
3	How is the eventual output of the solar farm measured and what would the Local Planning Authority action be if it were exceeded?	<p>The applicants the applicant has advised that the maximum potential output of the solar farm will be limited by two factors;</p> <ol style="list-style-type: none"> 1. The installed inverter capacity on site 2. The size of our contracted export grid connection 	Yes

		<p>The number and capacity of the solar farm and inverters is detailed in the planning application. A post construction compliance cert can be provided to the LPA as required. Aside from the inverters the District Network Operator (DNO) requires a mandatory circuit breaker / safety mechanism which will switch the solar farm off automatically if we were to export excess electricity above our agreed export connection.</p> <p>Officers are satisfied that the technology does not allow the export to be exceeded and that this is not a matter for planning control and this is included in the updated report.</p>	
4	<p><i>The access should be in a sound bound material for the first 20.00m and drained to prevent no surface water onto the public highway.</i> Where is this covered in a plan to be approved and/or a condition please?</p>	<p>Officers advise that the discrepancy has been noted and the suggested revised condition acceptable to the applicant This is include in the revised report</p>	Yes
5	<p>Has the officer actually been to the site and driven around these narrow country lanes which will serve the site?</p>	<p>The applicant confirms that the rural lanes around the site would not serve construction traffic – this would stop at the north end of the site with equipment then distributed by smaller vehicles (no different to farm tractors on the road). These details can be required in the CMTP condition.</p> <p>The case officer confirms she has been to site and driven the lanes around the site.</p>	Yes
6	<p>(a)Where are members able to see the detail of these proposals/structures - filter drains and swales so that they can be aware of what they are approving?</p> <p>(b) The last note from Devon Lead Flood Authority is dated 4.02.2021 and refers to a</p>	<p>The applicants advise that the <i>Flood Risk Assessment dated 30th November 2020</i> on planning webpage details general mitigation measures (see Section 7.2) and Floodplain mitigation measures (see Section 7.3). In summary these measures include:</p> <ul style="list-style-type: none"> • Inverter/DNO/substation equipment located in Flood Zone 1 areas • Raised Battery Storage Area • Raised panels in Flood Zone 2/3 areas • Access roads will use permeable crushed stone surface • Compensatory storage to be provided adjacent to watercourse i.e. attenuation pond/scrape 	Yes

	<p>Technical Note in response to a DCC objection dated 2 February 2021. Condition 17 refers to an Approved Flood Risk Assessment Report V5 issued on 30 November 2020. Is there a conflict? What are members being asked to approve?</p> <ul style="list-style-type: none"> • Additional large “no build” areas within the functional floodplain which will be turned into a wetland scrapes area for wildlife/birds. • Swales will be added on site (see extract / drawings below and plan in Appendix I of the Flood Risk Report) <p>7.9.3 It is proposed that swales 0.2-0.3m deep are created in one of the fields that sits outside the floodplain as shown in the Flood Compensation and Enhancements Drawing in Appendix I. These features will be created by excavating ground and compacting on the downslope side of the excavation. The swales are broadly on contour, so will store a significant amount of water, capture suspended sediment, and promote infiltration yielding a positive impact on runoff volumes, rates and water quality. An illustrative section is presented in Figure 7.4</p> <p>Figure 7.4 - Indicative Swale Section</p>  <p>Officers are satisfied that the revised submissions have covered member concerns and led to the withdrawal of the Environmental Agency’s initial objection subject to condition. Accordingly, the 1relevant condition 17 will be amended to refer to the updated iteration of the report</p>	
<p>7 Queries relating to Environment Agency – Question 4 a) It further states that “Before determining the application your Authority will need to: - at the top of page 47 are two bullet points. Where is this information available to members before determining the application? b) Under Advice – Vulnerability Classification – it states “Your view on this will be important...” Who has formed a view and what is it please?</p>	<p>JBM advise as follows:</p> <p><u>Vulnerability Classification</u> <i>Chapter 5 Development Vulnerability and Flood Zone Classification of the Flood Risk Assessment 30th November 2020</i> details the vulnerability classification and confirms the solar farm is classed as “Essential Infrastructure”. The Environment Agency agree with this interpretation as noted in their letter dated 12th November 2020 (DC/2020/121714/01-L01) which states: <i>“Based on the characteristics of the development and conversations our National Office are having with MHCLG, we consider that it should be considered in the same light as wind turbines, i.e. essential infrastructure.”.</i></p> <p><u>Sequential Test</u> Details of the sequential test are summarised in the Committee Report 31.03.21 on P26. The reasons can be summarised as follows;</p>	<p>Yes</p>

		<ul style="list-style-type: none"> • Ability to achieve a viable connection to the Electricity Network; • the land being available (i.e. a willing landowner(s)); • Avoids statutory environmental designations; • Avoids best and most versatile agricultural land <p>This additional information has been include in the updated Committee Report and officers are satisfied that the matter has bene adequately addressed.</p>	
8	This is a very large scheme as defined in the MDDC Solar PV developments. How are members being advised to balance the conflict with a site that is over four times larger than what is considered to be a sensitive scheme?	The Planning Balance section of the report has been updated to assist members in appreciating how the case officer recommended subject to conditions that planning permission be granted.	Yes
9	Conditioned <i>Landscape and Environmental Management Plan</i> . Where is it please and should members be approving it as part of the application	Environment Agency response includes the advice that ‘any mitigation and enhancement measures are secured through a conditioned Landscape and Environmental Management Plan (LEMP). The applicant consider that the use of the LEMP to be good practise on its sites, and would be content with a pre-commencement condition requiring submission of, and the LPA’s written approval for, a LEMP. Officers agree and recommend the attachment of an additional condition no. 22 to be part of the amended report. The applicants have indicated no objections to the proposed condition.	Yes
10	<i>‘There may also be potential for the development to have a wider positive impact financially contributing to local environmental/social initiatives in the Parishes affected to help connect people and wildlife.’</i> Have any such contributions been offered or discussed?	The applicants advise that they are committed to ensuring local communities become active stakeholders in our solar schemes. In line with planning guidance, we therefore welcome the opportunity to engage with parish councils to discuss potential Community Benefit projects. Our standard offering across all our projects is to fund rooftop solar installations on community buildings, of up to 50kWp (£50,000) across one or multiple community buildings e.g. schools, churches, parish halls or other community buildings. However any such contribution is not justified in planning terms as set out in the amended report and as such officers can assist no further with this question.	Yes

<p>11</p>	<p>Historic England comment – ‘We would not entirely agree with the author of this report etc.’ Has this comment been raised with the applicant’s consultant and been challenged or asked for comment?</p>	<p>It is noted that Heritage England in their consultation response request that the Council's heritage specialist makes an independent assessment of the setting of Langford Court, to judge the level of potential harm that might be caused to its setting and whether that harm could be avoided or minimised to an acceptable level.</p> <p>The applicants are satisfied that such an assessment has been undertaken by the LPA, and notes that there has been no request for material additional to the submitted Heritage Statement and LVIA. They have provided an assessment of the potential harm to Langford Court in the documents already submitted to the Council including Viewpoint 7 of the LVIA, which is confirmed by the Council’s Conservation Officer as set out below.</p> <p>The Conservation Officer stated in their consultation comments;</p> <p>The Heritage statement identifies the effect on views from the Langford Court to the east to be negligible. Negligible is not none. It may be too small or too slight to be considered of importance to the author of the report but it should be noted that it is registerable. I can see no such assessment of the views from the east towards Langford Court in the Heritage Statement.</p> <p>This view is considered in the LVIA as viewpoint 7 and 7A. Their Landscape Architect considers the value of the view, which includes the highlighted Langford Court, to be medium with Medium Sensitivity. It states “The proposed solar farm battery storage and substation would be distinguishable in the mid-ground” and goes on to assess the impact to be minor to moderate.</p> <p>In my view, with regard to the experience of the heritage asset, there will be a noticeable localised Moderate harmful change in the view to Langford Court from the road at Plymtree identified as view point 7. This will result in a slight to moderate negative impact on the experience of this Grade II* listed building by the introduction of a new and prominent element into the view, which will draw the eye and compete with the heritage asset, and the loss of a typical rurality of agricultural and other features that are expected in the countryside.</p> <p>It is the applicants informed view that Officers have taken this level of harm identified by the Council’s Conservation Officer on board in their overall assessment of the application. Heritage Englands last paragraphs states:</p> <p><i>“we are satisfied that your own specialists can take an informed view of the level of harm that might occur to the setting of Langford Court once a site visit has been made, and it is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.</i></p> <p>Officers consider that the heritage and visual impact matters have been satisfactorily addressed and that the officer had come to the view of harm being less than substantial in weighing up the</p>	<p>Yes</p>
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		overall impact of the solar harm on Heritage assets. In applying the balance with regard to less than substantial harm against the public benefits of the proposal, it is considered that this was argued clearly both in this section and in the Planning Balance section at the end of the Committee report of March 31st. Accordingly, officers consider that there is nothing substantive further to add	
12	DM27 LP3. Although this is now out of date is the same reinforcement provided by the new Local Plan?	Officers can advise that this is the case with Policy DM25 which is part of the report and the updated in report.	Yes
13	See question 7b of Cllrs questions	<p>The Conservation Officer (p18 of the report) states that ‘I can see no such assessment of the views from the east towards Langford Court in the Heritage Statement’. The officer’s report however acknowledges that the introduction of the solar farm in this location will have an impact upon the setting of Langford Court, in particular when looking from the west to the east. Having reviewed the setting and taking account of the consultations it is considered because of the distance, the visual impact of the panels would be limited and would be a small part of the wide countryside setting of Langford Court, the overall impact would be less than substantial harm.</p> <p>It is considered that the case officer’s judgement when viewings the proposal as a whole against the local and national planning policy and guidance was sound and the balance between less than substantial harm and the public benefit was undertaken with due diligence. The public benefit outweighing the less than substantial harm is an appropriate judgement</p>	Yes
14	See question 7c of Cllrs Questions in relation page 53 of the report	The box above also covers this limb of question 7	Yes
15	<i>The overall impact would be less than substantial harm.</i> This appears to be in direct conflict with the comments of English Heritage and the MDDC Conservation Officer. What other guidance is available to members to assist their decision? Q 7d of member’s question	The box above also covers this limb of question 7	Yes
16	See Cllr question 8 – Devon Wildlife Trust	Officers note that this referral by members to the Devon Wildlife Trust’s consultation response was for a submission from them on 23 rd November 2021. A consultation with Devon Wildlife Trust	Yes

		<p>received a reply explaining they are reducing their consultations on planning matters and did not provide an updated response.</p> <p>It is considered that the due weight was given to the trusts concerns but that updated ecological information was submitted and has been taken into account in the officer report and also in the updated report. This has also led to the amendment to suggested condition 12 in the updated report.</p>	
17	Future Ecological Enhancement and Management Plan - What are the details of funding and provision of future management of such a plan for the next 40 years? Will it, and how will it be enforced?	As above officers advise that the purpose of the revised condition 12 requires details to be approved by the LPA. Issues of investment and future management will be dealt with through that process.	Yes
18	Revised biodiversity management plan	Officers advise that the applicants have submitted an updated Biodiversity Management Plan by avian ecology v4 (Dated 20/07/2020) updated to also reflect Biodiversity Enhancement Note and Addendum Note, December 2020 which includes the large wetland scrapes biodiversity enhancement area. The same features are already picked up in the updated Site Layout Plan. Consequently condition 12 was been amended to reflect these updates and is set out in the updated report.	Yes
19	Wording of Conditions – details to be approved by the LPA	Officers advise that planning conditions are only attached to make a development proposal acceptable, however such conditions must pass the six tests as set out in National Planning Policy Guidance. It is considered that the suggested conditions, some subject to alteration and including an additional conditional are necessary and sufficient to mitigate any adverse impacts of the proposed development in a reasonable, proportionate, relevant and enforceable manner and this is contained within the updated report	Yes
20	Representations	Officers have checked this along with adding a summary of any representations received after the 31 st March 2021 Planning Committee and these updates are contained within the updated report.	Yes