



NORTH DEVON COUNCIL
Planning, Housing and Health
Lynton House
Commercial Road
Barnstaple
EX31 1DG

The Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)(England) Order
2015

APPROVAL OF PLANNING PERMISSION

Applicant::	Exagen Development Limited	Application No:	80182
Address:	Exagen, 2nd Floor Coachworks 9-10 Charlotte Mews London Greater London W1T 4EF	Application Type:	Full Application
Agent:	Exagen Development Limited	Date of Registration:	6 June 2025
Address:	Exagen, 2nd Floor Coachworks 9-10 Charlotte Mews London Greater London W1T 4EF	Date of Decision:	26 March 2026
Proposal:	Construction, operation and subsequent decommissioning of a solar farm, comprising ground mounted solar photovoltaics (PV) together with associated infrastructure, including inverters, transformers, substation, cabling, CCTV, fencing, access and landscaping (further/amended plans & documents)		
Location:	Land South of Buttercombe Lane Braunton EX33 2FF		

IMPORTANT NOTE: this permission shall be read in conjunction with the Section 106 Agreement in terms of its restrictions, regulations or provisions for the application listed above. The North Devon District Council in

pursuance of powers under the above mentioned Act hereby **GRANTS** planning permission subject to the following condition(s):

CONDITIONS:

1. Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended), the development hereby permitted shall be begun not later than five years from the date of this permission.

Reason:

To allow for a longer commencement period in recognition of national constraints affecting grid upgrade and reinforcement works programmed by National Grid Electricity Distribution (NGED), which introduce uncertainty regarding the precise timing of grid connection availability. This extended period is necessary to ensure the implementability of the development and reflects similar approaches accepted by other Local Planning Authorities. The Local Planning Authority is satisfied that a five-year commencement period results in no planning harm and that the condition remains enforceable while supporting the timely delivery of renewable energy infrastructure of national and local importance.

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

BNT01A-EXG-00-00-D-K003P03 Partial Location Plan received on the 03/06/25

BNT01A-EXG-00-00-D-K003P03 Partial Location Plan received on the 03/06/25

BNT01A-EXG-00-00-D-K003P03 Location Plan received on the 03/06/25

BNT01A-EXG-04-00-D-K001P04 Proposed Site Plan received on the 12/12/25

BNT01A-EXG-04-00-D-K001P04 Partial Site Plan Part 1 received on the 12/12/25

BNT01A-EXG-04-00-D-K001P04 Partial Site Plan Part 2 received on the 12/12/25

BNT01A-EXG-05-ZZ-D-K001P01 Solar Mv Inverter received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K002P01 Solar Panel received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K003P01 Solar Fence And CCTV received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K004P02 Customer Substation Building received on the 12/12/25

BNT01A-EXG-05-ZZ-D-K005P01 Auxiliary Transformer received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K006P01 33 Kv Transformer received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K007P01 Palisade Fence And Access received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K008P01 Customer Substation Compound Area received on the 10/04/25

BNT01A-EXG-05-ZZ-D-K009P01 DNO Substation Building received on the 10/04/25

BNT01A-EXG-95-00-D-K001P04 Landscape Mitigation and Enhancement Plan received on the 12/12/25

BNT01A-EXG 95 00-D-K001P04 Partial Landscape Mitigation Plan received on the 12/12/25

BNT01A-EXG-00-00-D-K014P01 Temporary Road Widening for Construction Phase received on the 05/06/25

BNT01A Arboricultural Impact Assessment received on the 24/03/26

BNT01A Archaeological Desk Based Assessment received on the 24/03/26

BNT01A Construction Traffic Management Plan Part 1 of 3 received on the 24/03/26

Appx A Topographical Surveys - Feb 2025 received on the 24/03/26
BNT01A Construction Traffic Management Plan Part 3 of 3 received on the 24/03/26
BNT01A Crime and Disorder Statement received on the 24/03/26
BNT01A Geophysical Survey Report Part 1 of 2 received on the 24/03/26
BNT01A Geophysical Survey Report Part 2 of 2 received on the 24/03/26
BNT01A Heritage Statement received on the 24/03/26
BNT01A Landscape and Visual Impact Assessment received on the 24/03/26
BNT01A LVIA Figures Part 1 of 10 Fig 1 - 8 received on the 24/03/26
BNT01A LVIA Figures Part 2 of 10 Fig 9 - 10 received on the 24/03/26
BNT01A LVIA Figures Part 3 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 4 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 5 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 6 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 7 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 8 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 9 of 10 Fig 11 received on the 24/03/26
BNT01A LVIA Figures Part 10 of 10 Fig 11 received on the 24/03/26
BNT01A Topographical Survey Part 1 of 2 received on the 24/03/26
BNT01A Topographical Survey Part 2 of 2 received on the 24/03/26
BNT01A Noise Impact Assessment received on the 24/03/26
BNT01A Statement of Community Engagement Part 1 of 2 received on the 24/03/26
BNT01A Statement of Community Engagement Part 2 of 2 received on the 24/03/26
BNT01A Sustainability Statement received on the 24/03/26
BNT01A Transport Statement Part 1 of 4 received on the 24/03/26
BNT01A Transport Statement Part 2 of 4 received on the 24/03/26
BNT01A Transport Statement Part 3 of 4 received on the 24/03/26
BNT01A Transport Statement Part 4 of 4 received on the 24/03/26
BNT01A Waste Audit Statement received on the 24/03/26
BNT01A FRA and Surface Water Drainage Strategy received on the 24/03/26
BNT01A Environmental Statement V2 Part 1 Text received on the 24/03/26
BNT01A Environmental Statement V2 Part 2 Figures received on the 24/03/26
BNT01A Environmental Statement V2 Part 3 received on the 24/03/26
BNT01A Environmental Statement V2 Part 3 received on the 24/03/26
BNT01A Environmental Statement V2 Part 3 received on the 24/03/26
BNT01A Archaeological Trench Evaluation received on the 24/03/26
BNT01A ESA NTS received on the 24/03/26
BNT01A ESA Text Part 1 received on the 24/03/26
BNT01A ESA Figures Part 2 received on the 24/03/26
BNT01A ESA Technical Appendices Part 3 received on the 24/03/26
BNT01A ESA Technical Appendices Part 3 received on the 24/03/26
BNT01A Heritage Statement Addendum Part 1 of 4 received on the 24/03/26
BNT01A Heritage Statement Addendum Part 2 of 4 received on the 24/03/26
BNT01A Heritage Statement Addendum Part 3 of 4 received on the 24/03/26
BNT01A Heritage Statement Addendum Part 4 of 4 received on the 24/03/26
BNT01A LVIA Addendum received on the 24/03/26
BNT01A LVIA Addendum Figures Part 1 - Figure 5 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 2 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 3 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 4 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 5 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 6 Fig 11 received on the 24/03/26

BNT01A LVIA Addendum Figures Part 7 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 8 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 9 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 10 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 11 Fig 11 received on the 24/03/26
BNT01A LVIA Addendum Figures Part 12 Fig 11 received on the 24/03/26
(‘the approved plans’).

Reason:

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

3. The solar farm shall operate for a period of 40 years from the date that electricity from the development is first exported to the electricity distribution network. The Local Planning Authority shall be informed of the first export date in writing, within 2 months of the export date.

Reason:

To ensure that the development is removed and the land appropriately restored once electricity generation has ceased, thereby protecting the visual amenity and rural character of the surrounding countryside, in accordance with Policies ST02, ST16, DM01, DM04 and DM08A of the North Devon and Torridge Local Plan and Policies NE1, NE2, NE3, NE5, NE6, NE7 and BE4 of the Braunton Neighbourhood Plan

4. When the land ceases to be used as a photovoltaic park for renewable power production or at the end of the period of 40 years from the date of grid connection whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on the land in connection with the use permitted shall be removed and the land restored to its previous state or as otherwise agreed, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time scale for decommissioning.

Reason:

In order to protect the visual amenity and character of the surrounding countryside and to ensure the development only exists for the lifetime of the development in accordance with policies ST02, ST16, DM01, DM04 and DM08A of the North Devon and Torridge Local Plan and NE1, NE2, NE3, NE5, NE6, NE7 and BE4 of the Braunton Neighbourhood Plan.

5. If within the 40 year period referred to in condition 3 the solar pv development does not generate any electricity to the national grid for more than 6 months in a continuous period of 12 months, then details of a scheme, to repair or remove the solar pv development and all associated infrastructure, buildings, equipment and access points, shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 12 month period. If removal of the development is required, all development and associated equipment, infrastructure and access shall be removed within 12 months of the details being approved and the details shall include a method statement and timetable for the dismantling and removal of the solar pv development and of the associated above ground works and foundations to a depth of at least one meter below ground; and, the details shall

include a method statement, a traffic management plan, and a timetable for any necessary restoration works following removal of the solar pv development. The scheme shall be implemented in accordance with the approved details.

Reason:

To minimise any detriment to the visual amenity of the surrounding area and ensure decommissioning works do not have adverse highway or amenity impacts in accordance with Policies ST14, DM01, DM04, DM05 and DM08A, North Devon and Torridge Local Plan and NE1, NE2, NE3, NE5, NE6, NE7 and BE4 of the Braunton Neighbourhood Plan.

6. Prior to their installation, details of the final layout, dimensions, external finishes, design, materials and colour (Where appropriate) of the solar panel arrays, transformers, switchgear, housings/substations and proposed surfacing of access tracks and details of supporting poles for CCTV cameras and the 15m communications mast and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the use.

Reason:

In the interests of the appearance of the development and locality in accordance with Policies ST04, DM04 and DM08A of the North Devon and Torridge Local Plan and NE1, NE2, NE3, NE5, NE6, NE7 and BE4 of the Braunton Neighbourhood Plan.

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

Reason:

In the interests of the visual amenity of the area in accordance with policies ST04, DM04, and DM08 of the North Devon and Torridge Local Plan and BE4, NE1, NE2, NE3, NE6 and NE7 of the Braunton Neighbourhood Plan.

8. External lighting shall not be 'automatic' or on a sensor system to limit the visual impact of the site and, no external artificial lighting or CCTV cameras other than those shown on the approved plans shall be installed during the operation of the site as a solar PV facility, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenity of the area, and to enable the Local Planning Authority to consider issues of light pollution and amenity of local residents at the appropriate time in accordance with policies ST04, DM01, DM04, DM08, and DM08A of the North Devon and Torridge Local Plan and BE4, BE13, NE1, NE2, NE3, NE6 and NE7 of the Braunton Neighbourhood Plan.

9. Notwithstanding the provisions of the Town and Country planning (General Permitted development) Order 2015 (As amended) no fixed plant or machinery, cabling (over or under ground), buildings structures and erections, fences or private ways shall be erected, extended, installed or rearranged, beyond that approved by the permission.

Reason:

In the opinion of the Local Planning Authority, it is appropriate to maintain control of development proposals that may have an impact on the amenities of local residents or landscape and ecological interests of the countryside in accordance with policies ST16, ST04, DM01, DM04, DM08 and DM08A of the North Devon and Torridge Local Plan and NE1, NE2, NE3, NE5, NE6, NE7 and BE4 of the Braunton Neighbourhood Plan.

10. No other part of the development hereby approved shall be commenced until the site access, parking facilities, commercial vehicle loading and unloading areas, visibility splays and turning areas have been provided in accordance with the approved plans. Access to the site for construction traffic shall be via the agreed delivery routes illustrates on figure 3.3 of BNT01A Transport Statement (February 2025) (Part 1, 2, 3 and 4).

Reason:

To ensure that adequate facilities are available for traffic associated with the development in accordance with ST10, DM05 and DM06 of the North Devon And Torridge Local Plan and Policies BE4 and BE9 and BE10 of the Braunton Neighbourhood Plan.

11. No development shall take place until an updated Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The updated CTMP shall be in broad accordance with the previously submitted CTMP dated February 2025 (And associated Appendix documents). The CTMP shall be complied with in full and be monitored throughout the construction phase to ensure continuing compliance throughout the construction of the development.

Reason:

To minimise the impact of construction related works in the interests of highway safety and to safeguard the health and amenities of local residents and the area in accordance with policies DM01, DM02, DM05 and ST10 and ST16 of the North Devon and Torridge Local Plan and policies and policies BE9, BE10 and BE12 of the Braunton Neighbourhood Plan.

12. All temporary construction yards and temporary access tracks required to provide temporary storage of materials, parking and access in conjunction with the development shall be removed within three months of the first export date of the development and the land restored to its former condition.

Reason:

To protect the character, appearance and quality of the countryside in which the development is positioned in accordance with policies ST04, DM04, DM08 and DM08A of the North Devon and Torridge Local Plan and NE1, NE2, NE3, NE5, NE6, NE7 and BE4 of the Braunton Neighbourhood Plan.

13. Due to the proximity of Ash wood/Park wood to the Site, any excavations should adhere to the Root Protection Areas and mitigation measures identified within the Arboricultural Impact Assessment (Feb 2025).

In this condition 'retained trees, hedges and shrubs' means an existing tree, hedge or shrub, which is to be retained in accordance with the approved plans and particulars including the Arboricultural Impact Assessment prepared by Barton Hayett Associates dated February 2025, and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of first export of electricity from the site.

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

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

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

Reason :

To safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan and NE3, NE4, NE6 and NE7 of the Braunton Neighbourhood Plan.

14. The development shall be carried out in accordance with the recommendations detailed in the:

- Buttercombe Solar Farm Environmental Statement from Exagen Development Ltd dated June 2025 (and associated technical appendix)
- Ecological Impact Assessment reference 15251_R02f_TLR received 12th December 2025
- the Addendum to the Buttercombe Solar Farm Environmental Statement from Exagen Ltd dated 12th December 2025 (and associated technical appendix)
- Plan number BNT01A-EXG-95-00-D-K001P04 Landscape Mitigation and Enhancement Plan full site received 12th December 2025
- ESA figures 1.1, 2.1 2.2- Site Layout, Landscape Mitigation and Enhancement Plan and Devon Hedge Cross Section Received 12th December 2025

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torridge Local Plan, and Policies NE1, NE2, NE3, NE4, NE6 and BE4 of the Braunton Neighbourhood Plan, the natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

15. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the measures to protect and mitigate potential impacts to biodiversity and the environment before and during the construction phase and shall have regard to the mitigation measures set out within the Environmental Statement (June 2025) and its Addendum (December 2025), Noise Impact Assessment (Feb 2025), Arboricultural Impact Assessment (Feb 2025), Flood Risk Assessment and Surface Water Drainage Strategy (Feb 2025), Air Quality Statement (March 2025) and the details to be secured within the updated CTMP (condition 10 and 11) and Waste Audit Statement (condition 22). It shall include, but not be limited to, the following details:
 1. Identification of potentially damaging construction activities;
 2. Measures to control the emission of dust, dirt, noise and vibration during construction;
 3. Areas for loading and unloading of plant and materials and storage of plant and materials used in constructing the development;
 4. Identification of ecological protection areas, buffer zones and tree root protection areas, together with details of protection measures such as exclusion fencing;
 5. practical measures and sensitive working practices to avoid or reduce impacts on habitats and species during construction;
 6. precautionary working method statements for protected and priority species;
 7. mitigation strategies for habitats and species, limited to the pre-construction and construction phases;
 8. work schedules for activities with specific timing requirements to avoid harm to ecological receptors;
 9. The times during the construction period when specialist ecologists need to be present on site to oversee works;
 10. The role and responsibilities of key personnel on site, including an ecological clerk of works or similar competent person, responsibility and contact details;
 11. how open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site;
 12. how to prevent compaction of the soil during construction / will be remediated so that there is not an increase in runoff;
 13. how surface water will be managed during the construction phase in order to prevent an increase in pollution; and wheel washing and vehicle wash-down facilities and disposal of resultant dirty water

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area and to protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in accordance with Policies DM01, DM02 and DM05 of the North Devon and Torridge Local Plan and Policies NE1, NE2, NE3, NE4, NE6 BE1 and BE4 of the Braunton Neighbourhood Plan

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

Reason:

In the interest of human health in accordance with Policies DM01 and DM02 of the North Devon and Torridge Local Plan, and Policies BE1, BE4 of the Braunton Neighbourhood Plan

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

- a) Monday - Friday 08.00 – 19.00,
- b) Saturday 08.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason:

To protect the amenity of local residents in accordance with Policy DM01 and DM02 of the North Devon and Torridge Local Plan and policies BE1 and BE4 of the Braunton Neighbourhood Plan.

18. If a complaint regarding glint and or glare effects is made, and if following confirmation in writing by the Local Planning Authority that a significant issue exists, then a Glint and Glare assessment shall be submitted within one month to the Local Planning Authority. The assessment should identify any mitigation measures, if required, and a scheme for addressing any unexpected glint and or glare impacts that may become apparent once the development becomes operational, where such impacts are confirmed in writing by the Local Planning Authority as being significant.

Reason:

To ensure that any Glint or Glare impacts which may be identified are properly mitigated throughout the lifetime of the application in the interests of the appearance of the countryside, and of the amenity of the area and any neighbouring living conditions or highway conditions in accordance with policies ST04, DM01, DM04, DM05 and DM08A of the North Devon and Torridge Local Plan and policies BE4 of the Braunton Neighbourhood Plan.

19. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Surface Water Drainage Strategy (February 2025).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

Reason:

The above condition is required to secure details to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and planning policies ST03 and DM04 of the North Devon and Torridge Local Plan and policies NE8 and NE9 of the Braunton Neighbourhood Plan. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

20. No development shall take place in Field 1 (as per plan BNT01A-EXG-04-00-D-K001P04) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) including a schedule of notification for commencement of development of DCC Archaeology works, which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority." This adjustment ensures that DCC works are properly included within the WSI details and provides clarity about notification procedures.

Reason

To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible. To comply with Policies ST15 and DM07 of the North Devon and Torridge Local Plan 2011 - 2031, to ensure the preservation of northern Devon's historic environment.

21. The development shall not be brought into its intended use (defined as the first export of electricity to the grid) until

(i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and

(ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

To comply with Paragraph 218 of the National Planning Policy Framework (2024), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible. To comply with Policies ST15 and DM07 of the North Devon and Torridge Local Plan 2011 - 2031, to ensure the preservation of northern Devon's historic environment.

22. No development shall take place until a fencing scheme has been submitted to and approved in writing by the Local Planning Authority, specifically around the location of the ring ditch identified in trench 40 of the Archaeological Trench Evaluation (November 2025, AC Archaeology Ltd).

Reason

To comply with Policies ST15 and DM07(pt.2) of the North Devon and Torridge Local Plan 2011 - 2031, to ensure the preservation of northern Devon's historic environment.

23. No development shall commence until an Updated Waste Audit Statement (WAS) has been submitted to and approved in writing by the Local Planning Authority.

The submitted statement shall include, but not be limited to:

- Estimated Waste Tonnages
- Predicted volumes (in tonnes) of construction, excavation, and decommissioning waste, identified by material type, as requested by the Waste Planning Authority.
- Application of the Waste Hierarchy
- Measures for waste avoidance, re-use, segregation, recycling and recovery, and justification for any disposal where higher-order options are not feasible.
- Storage, Handling, and On-Site Management
- Details of responsible storage, segregation, and handling methods in line with local and national waste policy expectations.
- Waste Disposal Facilities
- Identification of disposal or recovery facilities proposed for the construction and decommissioning phases, including confirmation of the name and location of the intended facility/facilities, where disposal is unavoidable.
- A written commitment that an updated waste plan will be submitted prior to decommissioning, to reflect final technologies, materials, and market-available recycling routes.

The development shall thereafter be carried out fully in accordance with the approved details, and all waste management measures shall be adhered to for the lifetime of the development, including at decommissioning stage.

Reason:

To minimise waste generation, maximise reuse and recycling, ensure responsible handling and disposal of materials, and secure compliance with the Waste Management Plan for England (2021), National Planning Policy for Waste (2014), NPPF principles, Policy DM03 of the North Devon & Torridge Local Plan, and Policy W4 of the Devon Waste Plan. A pre-commencement condition is necessary to ensure sustainable waste practices are established before construction begins and carried through to decommissioning.

24. Prior to commencement of development a Biodiversity Gain Plan shall be prepared in accordance with the 'approved plans'.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

25. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

26. Notice in writing shall be given to the Council when the:
- (a) Habitat Management and Monitoring Plan (the HMMP) has been implemented; and
 - (b) habitat creation and enhancement works as set out in the (HMMP) have been completed.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

27. Within 6 months of the solar farm first exporting electricity:

- (a) the habitat creation and enhancement works set out in the approved Habitat Management and Monitoring Plan (the HMMP) shall have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements,

has been submitted to, and approved in writing by the Local Planning Authority.

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

28. The created and/or enhanced habitat specified in the approved (HMMP) shall be managed and maintained in accordance with the approved (HMMP) and monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved (HMMP).

Reason:

To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

INFORMATIVE:

1. The above permission requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

2. The development to which this permission relates is the subject of an agreement under, inter alia, Section 106 of the Town and Country Planning Act 1990.

3. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. For further advice contact the Bat Helpline 0345 1300 228.

4. It is an offence under section 1 of the Wildlife and Countryside Act 1981 (as amended) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. It is strongly recommended that any buildings or land where consent for work has been granted are checked for nesting birds prior to any work being undertaken. Where inspection is obscured i.e. Hedgerows, Ivy and in trees of dense foliage it is advised that work is scheduled for outside the nesting season i.e. not undertaken between March and August (inclusive). For further advice please contact the RSPB Southwest Regional Office 01392 432691.
5. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Devon Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990 and as such the following applies.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

i. the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

ii. the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being: 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i. the application for planning permission was made before 2 April 2024;

ii. planning permission is granted which has effect before 2 April 2024; or

iii. planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i. consists of no more than 9 dwellings;

ii. is carried out on a site which has an area no larger than 0.5 hectares; and

iii. consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

6. Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

7. The Designing Out Crime Officer advises the applicants that it is recommended consideration be given to the inclusion of a monitored intruder alarm for the proposed substation(s) switchgear and ancillary buildings.
8. Any temporary widening of the existing highway required to facilitate construction will need to be carried out under a Section 171 Licence issued pursuant to the Highways Act 1980.
9. Statement of Engagement
In accordance with paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included amendments to the design layout, landscape mitigation and design of the scheme to make it acceptable. Appropriate conditions are included on the grant of permission.

If this development involves any building or engineering works, it is the applicant's responsibility to ensure that any consent under the Building Regulations is also obtained, before work begins. For further advice contact our Building Control Unit on 01884 234974 or by email to mail@nmdbuildingcontrol.co.uk

End of Decision

Ken Miles
Chief Executive

Please remove any site notice relating to this application from your property as the decision has now been made

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice. However, the following exceptions apply: For applications in respect of consent for the display of an advertisement, if you want to appeal then you must do so within 8 weeks of the date of this notice.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal then you must do so within:

- 28 days of the date of service of the enforcement notice, or
- within 6 months of the date of this notice

Whichever period expires earlier.

If the decision is for a minor commercial application, you must appeal within 12 weeks of the date of this notice.

- Information and guidance on submitting Planning Appeals can be found at <https://www.gov.uk/government/organisations/planning-inspectorate>
 - Householder Appeals should be made online at <https://www.gov.uk/appeal-householder-planning-decision>
 - Full application appeals should be submitted at <https://www.gov.uk/appeal-planning-decision>
 - Enforcement appeals can be submitted online at <https://www.gov.uk/appeal-enforcement-notice>
- If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.