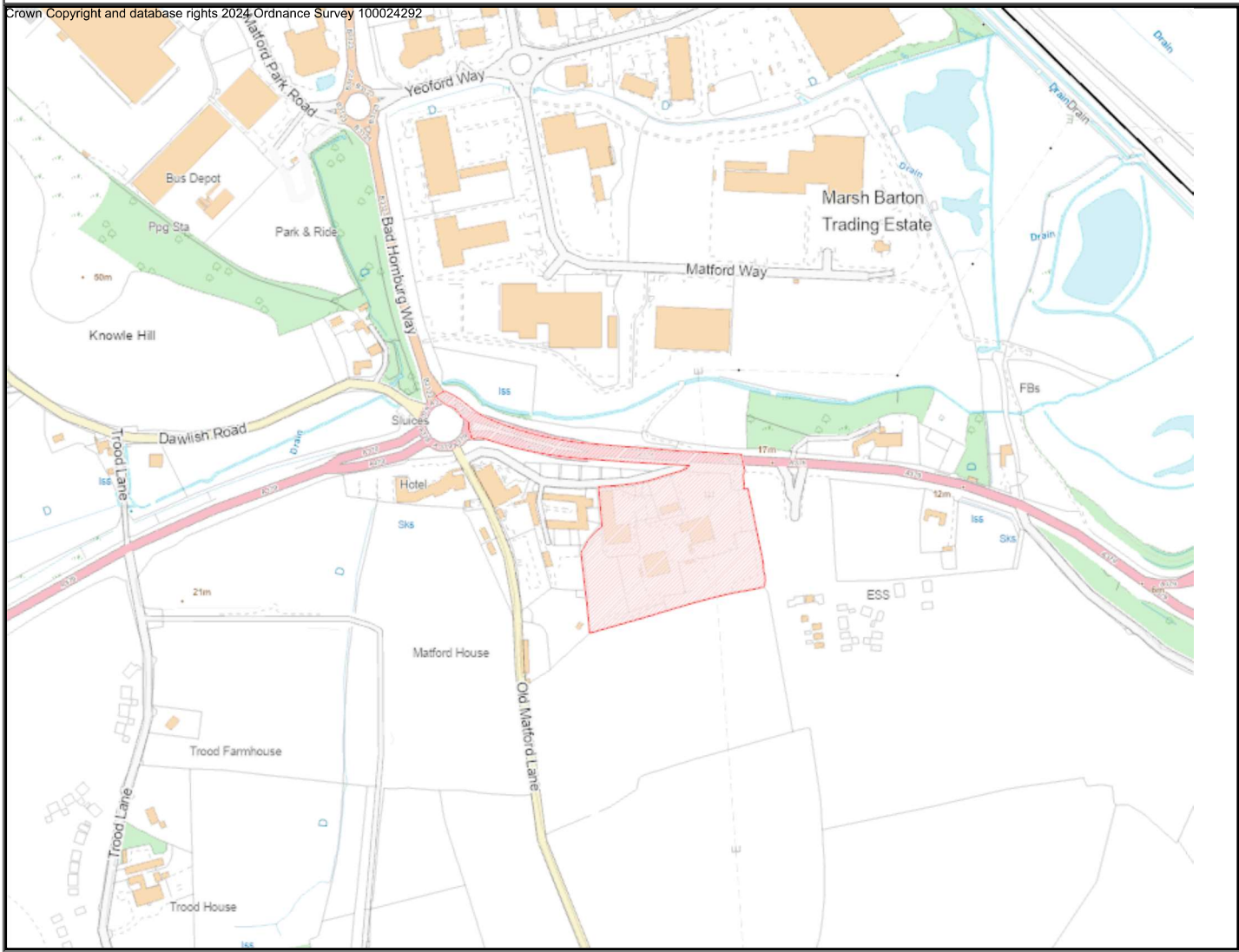

Planning Committee Report		
Chairman: Cllr Colin Parker		
Date	16 April 2024	
Case Officer	Anna Holloway	
Location	Matford Home Farm Matford Mews Matford Devon EX2 8XT	
Proposal	Construction of electricity substation, operational electricity plant, substation access road and surface water drainage outfall	
Applicant	Ms S Ratnage	
Ward	Kenn Valley	
Member(s)	Cllr Kevin Lake, Cllr Charles Nuttall, Cllr John Parrott	
Reference	23/00936/MAJ	

[Online Details and Documents](#)

RECOMMENDATION: PERMISSION REFUSED



1. REASON FOR REPORT and UPDATE

- 1.1 It is considered that the application merits oversight by the Planning Committee, taking into account the importance of the infrastructure for housing delivery in the South West Exeter allocation and HIF (Housing Infrastructure Fund) funding. In addition, Exminster Parish Council has requested the application be referred to the Planning Committee.
- 1.2 A Planning Committee members' site inspection took place on 15 February 2024.
- 1.3 The application was previously before Members at the February 2024 Planning Committee but was deferred to allow for further consideration of matters raised by the applicant following the publication of the Committee Agenda. Osborne Clark LLP submitted a letter dated 15 February 2024 acting for National Grid Electricity Distribution in agreement with Devon County Council as the applicant. The letter raised a number of new matters in relation to the weight to be given to the National Policy Statements (NPS) for Energy dated November 2023, which came into force on 17 January 2024 including the introduction of a new Critical National Priority (CNP) for nationally significant low carbon infrastructure. The Letter states that National Grid and Devon County Council requested that the Secretary of State call-in the application for determination. Subsequent to this letter the application has not been called-in by the Secretary of State and remains with Teignbridge District Council for determination.
- 1.4 EN-1 is the Overarching National Policy Statement for Energy and EN-5 is the National Policy Statement for Electricity Networks Infrastructure; the NPS are the primary policy for the Secretary of State decision making.
- 1.5 The letter from Osborne Clarke states that the development is proposed to deliver a bulk supply point electricity substation to support the electrical demand of the city of Exeter and the surrounding area and the infrastructure is needed as a major reinforcement to serve both development growth and the increasing electrification of heat and transport in the area and that the development is of regional importance to the wider area and of national importance in that it supports the government's statutory obligations to decarbonise energy networks. The letter states that there is an urgent need for new electricity network infrastructure to be brought forward at pace to meet the government's energy objective and to provide resilience in the network to avoid the very real risk of supply interruptions (power cuts) and that there is a real risk during winter peaks as soon as 2027 based on the capacity constraints of the current network. The letter also sets out that the applicant considers the Critical National Priority policy to be material to the current application. Paragraph 4.1.7 of EN-1 states that where an NPS requires an applicant to mitigate a particular impact as far as possible but there would still be residual adverse effects after the implementation of such mitigation measures the Secretary of State should weigh those residual effects against the benefits of the proposed development and for projects that qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases.
- 1.6 NPS EN-1 at section 1.6 sets out transitional provisions relating to the 2023 amendments to the NPS and states that the 2023 amendments will have effect only in relation to those applications for development consent accepted for examination

after the designation of those amendments. Therefore, as the current application does not fall within this category, the 2011 suite of NPSs should have effect. Section 1.6 does however state that any emerging draft NPS(s) or those designated but not yet having effect are potentially capable of being important and relevant considerations in the decision-making process as emerging policy. Therefore, whether the policies in the NPS are material and to what extent, should be judged on a case-by-case basis and will depend upon the extent to which the matters are already covered by applicable planning policy (NPS EN-1, paragraph 1.2.2).

- 1.7 The 2011 NPS had effect on the decisions by the Infrastructure Planning Commission (IPC) on applications for energy developments that fall within the scope of the NPSs and would likely be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). However, whether and to what extent the 2011 NPS is a material consideration will be judged on a case-by-case basis. Therefore, the weight given to either the 2011 NPSs or the 2023 NPSs would be a matter for the decision maker.
- 1.8 NPS EN-1 2011 under paragraph 4.1.3 states that in considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the IPC should take into account: its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and, its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 1.9 Section 4.7 of EN-1 2023 sets out the criteria for good design of Energy Infrastructure and paragraph 4.7.6 states that whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.
- 1.10 Applicants must demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. Applicants should consider taking independent professional advice on the design aspects of a proposal. Applicants should also consider any design guidance developed by the local planning authority. Paragraphs 4.7.10-4.7.11 (of EN-1 2023) state that in light of the above and given the importance which the Planning Act 2008 places on good design and sustainability, the Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other considerations, are as attractive, durable and adaptable as they can be and in doing so, the Secretary of State should be satisfied that the applicant has considered both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible.
- 1.11 EN-5 2023 states that 'There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their location, as well as their design. In particular, the applicant should consider such

characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts (paragraphs 2.2.8-2.2.9). Paragraph 2.9.9 of EN-5 2023 goes on to state that 'New substations, sealing end compounds (including terminal towers), and other above-ground installations that serve as connection, switching, and voltage transformation points on the electricity network may also give rise to adverse landscape and visual impacts.' Also that applicants should consider the land use effects of the proposal when planning the siting of substations or extensions and make the design of access roads, perimeter fencing, earth-shaping, planting and ancillary development an integral part of the site layout and design, so as to fit in with the surroundings (EN-5 2023 paragraph 2.9.19).

- 1.12 EN-5 states at paragraph 2.2.6 that the locational constraints do not exempt applicants from their duty to consider and balance the site-selection considerations, much less the policies on good design and impact mitigation detailed in sections 2.4-2.9. It is unclear whether the applicant has fully considered the potential sites in terms of these requirements in the NPSs. In addition, under the NPS new substations should be subject to an environmental appraisal and an environmental report should be produced, separate from any EIA requirements. No such environmental report was submitted with the current application.
- 1.13 Given that the applicant has previously confirmed that the proposals do not fall within the definition of Nationally Significant Infrastructure Project and the above transitional provisions relating to the NPSs, it is considered that the applicant has not demonstrated that the proposals would fall within the definition of Critical National Priority for the consideration of the current application. In addition, the applicant has not demonstrated that the current proposals have been brought forward in accordance with the relevant guidelines for the design and siting of substations that fall within the definition of a Critical National Priority nor the requirements relating to environmental appraisal.
- 1.14 Officers of Teignbridge District Council originally made comments on the application submitted to Devon County Council and then, following the submission of the current application to TDC, Officers informed the applicant during a meeting in September 2023 that they had significant concerns regarding the visual impact of the proposed substation and the impact on the amenity of the neighbouring residential occupiers. This meeting was followed up by detailed comments on the proposal including advice to reduce the levels on site and move the substation away from the boundary with Matford Mews. It was made clear to the applicant that significant changes would be required to make the scheme acceptable in this location. The applicant responded in November and provided examples of elsewhere in the country where substations have been constructed close to residential properties, those examples have been included in the Committee presentation and do not appear to be directly comparable to the current proposal but raise concerns that the substation would result in harmful development at the proposed site for the reasons set out in the Committee Report. The November response also set out that the changes put forward to reduce the impact of the proposal would not be possible due to technical and cost implications.
- 1.15 Officers do not consider that the applicant has properly considered the impacts on the visual amenity of the area or the amenity of the residential occupiers including those residential properties that fall within 20m from the proposed substation boundary at Matford Mews. It is also not clear that all potential sites have been fully and appropriately considered.

- 1.16 The Peamore site has been rejected by the applicant due to its removed location from areas of substantial future development at SW Exeter and the distance from the existing 132kV network; diverting the 132kV cable to the site would add significant additional cost and require connections back to the development which would lead to additional disruption. However, there is current TLP policy for 5ha of employment land adjacent to Peamore and the emerging Local Plan includes emerging policy EE2 for Peamore and West Exe, SWE and EE1 at Markhams which would include a mixed use development of about 87ha comprising of approx. 680 residential units and a 24ha mixed use development and about 20ha of employment land at Peamore and West Exe and a residential-led mixed use development of about 60ha to provide approx. 900 homes at Markhams.
- 1.17 The landowners of the currently proposed site object to the proposals, the development would result in the demolition of the current dwelling on the site and prevent the outline planning permission for the mixed use residential-led development coming forward as permitted, the substation would be constructed on land immediately adjacent to existing and consented dwellings, and the applicant has failed to propose any real alterations to the scheme to reduce the identified harm. Officers would question whether the site selection followed the process set out in the NPS and would question whether sufficient consideration has been given to the location of the substation within a more appropriate site either within Marsh Barton industrial area or within the employment land at Peamore. In addition, it is clear from the applicant's response to the requested amendments to reduce the impact that the applicant considers the site constrained by factors that would prevent appropriate separation distances and mitigation measures.
- 1.18 It is acknowledged that the proposed development would bring significant benefits in terms of supporting low carbon infrastructure and the need for a substation to support housing delivery. Also, if this was the only site available for essential infrastructure then significant weight should be given to its delivery. Whilst it is not for this application to determine alternative sites, it is strongly questioned whether this is the right site for the infrastructure proposed and it is considered that alternative less harmful sites would provide a more appropriate location for any regionally required infrastructure.
- 1.19 In conclusion, this is not considered to be a Nationally Significant Infrastructure Project (NSIP) and is not being determined on that basis. Similarly, neither is the suitability of alternative sites for consideration by members in reaching their decision in respect of this proposal. However, the provisions of the newly introduced national policies relating to NSIPs, as detailed above, are considered to be material to the consideration of the proposal currently before the committee. How much weight Members wish to give to those provisions in reaching their decision is for them to decide. Notwithstanding this however, Officers have considered the additional information and the provisions of the newly emerged national policies and, in reaching their recommendation, do not consider that they provide sufficient justification to outweigh the clear harm associated with the proposal such that it would lead them to vary from their original recommendation. Accordingly, the officer recommendation of refusal remains unchanged from that previously reported to committee and set out below.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

1. The application site currently consists of a mix of uses and buildings and has an industrial/agricultural appearance within a rural location currently undergoing significant planned change as part of the South West of Exeter Urban Extension. The application site is identified within the South West Exeter Development Framework (2014) as Development Plan Area E1 for Mixed Use development and Community Facilities and has outline planning permission granted for such a development. Whilst the need for electricity infrastructure to serve the new dwellings at South West Exeter is acknowledged it is considered that the proposed development on the application site would result in a large, overbearing and alien structure, which by its nature is uninviting and hostile, within the landscape immediately adjacent to both existing and proposed residential properties. Whilst some attempt has been made to mitigate the impact, the depth of the landscape buffer proposed is not considered sufficient to screen a development of the size and nature proposed in such close proximity to the existing dwellings. The proposed development would not be consistent with the comprehensive approach to development as set out in policy SWE1 and the South West Exeter Development Framework and would result in significant harm to the character and appearance of the area and the amenity of both existing and future residents. The proposed development is therefore contrary to policies S1, S2 and SWE1 of the Teignbridge Local Plan 2013-2033 and the NPPF.

2.1. **DESCRIPTION**

2.2. **Site Description**

- 2.3. The application site falls within the land allocated within the Teignbridge Local Plan 2013 – 2033 for mixed use development under allocation SWE1 and extensive mixed use development is currently underway in the area as well as the delivery of open space. Following the already approved development within the area, the character would be predominately residential with other uses designed to sit within a residential setting.

- 2.4. The application site currently includes a mix of industrial and agricultural buildings which are currently in a number of uses including a country store as well as a dwelling (Matford Home Farmhouse). A power line crosses the site. The site has outline planning permission for a mixed use development. Immediately adjacent to the site is Matford Mews and Devon Hotel. The A379 is located to the north and the site is currently accessed from an older lane which sits at a lower level than the A379; the parking for Devon Hotel is located off this lane. The site slopes upwards away from the lane towards existing agricultural land to the south.

- 2.5. There are a number of temporary structures and uses at Matford Home Farm which would potentially fall within the definition of development requiring planning permission, however, there is planning permission for the larger buildings on the site. The planning permission for caravan storage has now expired; however, a fresh planning application has been submitted (23/02150/FUL). The suitability of any enforcement action would fall outside of the current proposals; however, the current use of the site may therefore be at a higher level of intensity than has planning permission.

2.6. **Relevant Planning History**

- 2.7. 15/00921/MAJ: Outline planning application for demolition of existing buildings and for residential and commercial development (C3, E uses) (approval sought for access); outline permission granted.
- 2.8. Outline planning permission was granted in 2020 subject to reserved matters approval being granted and a subsequent application for reserved matters approval has been submitted under reference 23/01821/MAJ and is currently under consideration. The outline planning permission granted consent for between 175 and 250 dwellings and 280-1280m² of Class E floorspace. The outline planning permission secured a number of obligations including the provision of at least 22% affordable dwellings, 5% self/custom build plots, and a financial contribution towards gypsy and traveller pitches.
- 2.9. 15/02178/MAJ: Change of use of land to Suitable Alternative Natural Green Space (SANGS) (Use Class D2) required for the residential development on adjoining land; permission granted.
- 2.10. 21/02604/MAJ: Outline planning application for demolition of existing buildings and for residential and commercial development (C3, E uses) (approval sought for access). Duplicate outline planning permission following outline planning permission 15/00921/MAJ; pending consideration.
- 2.11. 23/01821/MAJ: Reserved matters application for the approval of 245 dwellings and 1202sqm of commercial/employment space with associated roads, footways, parking, drainage, open space and landscaping (approval sought for appearance, landscaping, layout and scale) pursuant to outline planning permission 15/00921/MAJ (Outline planning application for demolition of existing buildings and for residential and commercial development (C3, E uses) (approval sought for access)). Pending Consideration.
- 2.12. 23/02150/FUL: Change of use of existing yard and building for the refurbishment, storage and sale of static homes for a further 2 years; pending consideration.
- 2.13. DCC/4329/2022: Construction of a 132Kv-33Kv -11Kv Supply Point Electricity Substation, Operational Electricity Plant, Substation Access Road and Surface Water Drainage Outfall
- 2.14. This application was submitted to Devon County Council in November 2022. TDC were consulted on the application and whilst in support of the principle of developing and upgrading the local electricity supply to secure additional capacity for new development, TDC raised strong concerns about the proposed location of the substation. The application remains undetermined and predates the current application for the same development currently before TDC.
- 2.15. DCC/4330/2022: Construction of a spine road, vehicular turning head, drainage attenuation basin, surface water drainage outfall to the Matford Brook, foul drainage sewer, utility diversions and landscaping
- 2.16. DCC has secured planning consent for the MHF spine road under planning ref: DCC/4330/2022.
- 2.17. **Proposed Development**

- 2.18. To help deliver this infrastructure early and unlock development sites, DCC has secured £55.1 million of funding from the Government's Housing Infrastructure Fund (HIF). The need for a substation has been identified by Western Power Distribution (WPD) for the network to accommodate future development and that the existing equipment is reaching the limits of its capacity. Also, the demand for electricity is expected to increase in the future with the installation of heat pumps and electric vehicle charging points. A new Bulk Supply Point would provide sufficient capacity to meet such future demands.
- 2.19. The basic requirements of the site are:
- A minimum site of 100 x 70 metres.
 - Very close proximity to the 132kV network.
 - Close proximity to the South West Exeter Development and areas of potential future development.
 - A level site or should be able to be levelled.
 - Good access for large equipment and construction vehicles and access for maintenance.
- 2.20. The proposed development involves the construction of a 132kV Bulk Supply Point Electricity Substation at Matford Home Farm. The proposed development is for the transmission / supply of electricity. It comprises a new substation area which will contain operational electricity plant with a new access road linking to the A379.
- 2.21. Existing buildings at Matford Home Farm including Matford Home Farmhouse, Parr's Country Store, Perimeters Fencing and Static Homes UK, as well as other buildings and structures, are shown to be demolished. The existing power line is shown as retained although the option to place this underground may come forward at a later date but would not be secured by the current application.
- 2.22. **Principle of Development**
- 2.23. TLP policy SWE1 sets out the policy framework for the delivery of the South West Exeter Urban Extension and sets out that the South West of Exeter will develop as a sustainable urban extension, resilient to climate change where new and existing residents will be able to access a range of community facilities, jobs, recreation areas and public transport improvements. It will represent a new part of the City, south of the River Exe which will reinforce the importance of the southern approach. The aim is to establish a new area within the natural setting of Exeter, sitting below the ridgeline and benefiting from the backcloth of the hills that enclose the city. TLP policy SWE1 states that proposals will not be permitted where they would prevent a comprehensive approach to the development and infrastructure of the whole site. The South West Exeter Development Framework (2014) identifies the site as Development Plan Area E1 for Mixed Use development and Community Facilities.
- 2.24. Devon County Council undertook a public consultation in 2021 regarding the location of a new electricity substation. The public consultation considered three sites including Site 1 at Marsh Barton, Site 2 at Matford Home Farm (the application site) and Site 3 at Old Matford Lane. The consultation did not include an option to locate the substation at Peamore. The outcome of the public consultation was that there was a strong preference for Site 1, whilst Site 2 (the application site) had the least public support. However, the conclusion in terms of site 1 was that it can only be pursued in the event that it passes the flood risk sequential test. It is noted that

the response to the consultation from the land/property owners for Site 1 (Marsh Barton) stated that the land has been partially raised in readiness for development in order to address any flood risk and providing fill to raise the site levels by just under two metres is likely to be feasible without significant costs. The November 2021 Options Appraisal Report by DCC considered that Site 1 would require significant groundworks to raise the site above predicted flood levels and that this would need to be above the level that the site has already been raised to. Additionally, DCC considered that this is likely to result in a more complex construction process involving the need for piling as the development would be located on made ground. Site 3 at Old Matford Lane was discounted due to major concerns in terms of construction access, the site falls within a County Wildlife Site and the distance from the planned development areas with the potential requirement to make additional connections through the SANGS land as well as concerns with interference with the adjacent telecommunications mast.

- 2.25. When assessing the proposed Matford Home Farm site DCC's Landscape Team commented on the 2021 public consultation that it is much better to use a brownfield site surrounded by future urban land uses than a greenfield site in the countryside; however, the substation is likely to result in adverse day and (if lighting is required) night-time visual impacts on the amenity enjoyed by existing and future residents adjacent to the site's western, southern and eastern borders. Scope to mitigate these effects will be key and could be highly problematic to get these to acceptable levels. The mitigation measures themselves could require more land area and / or look incongruous themselves. There is a substantial change in levels across the site from north to south – around 8m. Should this site option be pursued it would be worth examining cross-sections through possible layouts to explore how recessing the site at a lower level may help mitigate adverse effects. This combined with a visual screening bund may be the most appropriate way of mitigating environmental effects. Of the three sites, Site 1 was considered more preferable and Site 3 should be discounted from a landscape impact.
- 2.26. The November 2021 Options Appraisal Report by DCC found that without mitigation, locating the substation at Site 2 (the application site) would likely have an unacceptable visual impact on the existing and planned residential development to the west, south and east as well as the planned public open space to the south where the impact would be exacerbated by the higher elevation of the land to the south of the site. The Report considered that there were sufficient opportunities to mitigate the impact at Site 2 including locating the substation to the north portion of the site and landscape planting. In addition, the Report noted that relocating the existing power line that runs through the site so that it is underground would remove the existing impact of that power line. It should be noted that the submitted proposal has not relocated the power line underground and that this forms a constraint on the location of the substation within Site 2 which has resulted in the substation being located closer to the existing dwellings at Matford Mews.
- 2.27. The November 2021 Options Appraisal Report by DCC considered the Peamore site and agreed in principle that an electricity substation would be compatible with the other uses proposed at the allocated employment site and the TDC Local Plan Review 2020-2040 outlines this site and some of the wider area as having potential for residential development. The Options Appraisal considered this site to be remote from the areas of substantial future development at SW Exeter and the distance of the site from the existing 132kV network. Diverting the 132kV cable to the site would add significant additional cost and require connections back to

development. The Peamore site would meet the other site selection criteria but was rejected and not considered further due to the electricity connection issues both to and from the site. An additional site was also considered at Markhams Farm; this site also met the site selection criteria apart from the proximity to the 132kV network.

- 2.28. Three additional sites (A, B and C) at South West Exeter were also considered with Sites B and C rejected on the basis that they do not provide a suitable size which is either level or able to be levelled and do not have appropriate access. Site A (Grassmead) was assessed further and the Options Appraisal found that whilst a substation may technically be able to fit within the site, there is less land available and therefore reduced ability to provide any necessary mitigation to limit the impact of the proposed development.
- 2.29. The November 2021 Options Appraisal Report set out that discrete noise impact assessments have been undertaken for sites 1, 2 and 3. Subject to necessary mitigation the assessment identified that all three sites would not have an unacceptable adverse impact on the noise environment during construction. Without mitigation noise levels during operations at Sites 1 and 2 would be likely to generate an adverse noise impact. Advice from WPD has suggested that even with noise enclosures, transformers should be located at least 25 metres from properties.
- 2.30. The proposed development would cover the front part of the development site for which outline planning permission has been granted for mixed use development. In particular the development would overlap land shown for residential, commercial, open space and SuDS attenuation ponds within the submitted reserved matters application for the mixed use development. A grant of planning permission for the substation on this land would prevent the mixed use development coming forward as currently permitted and would likely require a further planning permission to enable the development of the wider site and would likely result in a reduction in the number of dwellings and commercial space delivered. The substation would also result in the loss of the existing businesses and dwelling on the site.
- 2.31. It is acknowledged that extensive work has been undertaken in terms of site selection. However, the benefits of delivering the electricity infrastructure to support development at South West Exeter should be weighed against the impact of the proposed development, including preventing a comprehensive approach to the development and infrastructure of the whole site as well as the impact of the proposed development on the area which includes the amenity of both existing and future residents.
- 2.32. **Character and Appearance of the Area and Residential Amenity**
- 2.33. The site is located within the Exe Estuary and Farmlands Landscape Character Area and the Lower rolling farmed and settled valley slopes Landscape Character Type (LCT 3B). However, as it falls within the SWE1 South West of Exeter Urban Extension area, the character of the area is currently going through a period of significant change.
- 2.34. TLP Policies S1 and S2 set out a number of criteria against which development proposals will be expected to perform well against including the impact on the residential amenity of existing and committed dwellings and maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets. Also, that new development will be of high quality

design, which will support the creation of attractive, vibrant places. Developments should be integrated with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets and create inclusive layouts which promote health and well-being. Developments should respect the distinctive character of the local landscape. TLP policy SWE1 states that proposals will not be permitted where they would prevent a comprehensive approach to the development and infrastructure of the whole site.

- 2.35. The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities (NPPF, paragraph 131). NPPF paragraph 135 sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape settings; establish and maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 2.36. As part of the submitted Landscape and Visual Impact Assessment (LVIA) the applicant has produced a zone of theoretical visibility which demonstrates that the substation would be potentially visible within a wide area including the adjacent existing, new built and committed housing developments. The LVIA acknowledges that the site would likely be visible to a number of dwellings within the area including but not limited to Nos. 6-8 and 9-14 Matford Mews and that, with the removal of the existing buildings, views are unavoidable particularly from upper floor windows and that proposed bunding and vegetation will partially obscure views. The LVIA found that the removal of the industrial buildings in such close proximity to Matford Mews will open up views into the site; however, the LVIA considered that these views are likely to be similar in nature to the existing industrial outlook and set against the backdrop of wider residential development and therefore the effect on the visual amenity of residents was considered to be neutral or negligible (adverse). The LVIA considered that the proposed substation would have a similar visual impact to the existing farm/industrial buildings complex; however, this fails to take into account the nature and appearance of a substation of this scale compared to a collection of buildings containing retail provision where visitors to the site would be welcomed. The development is also considered by the LVIA to have a negligible (adverse) impact on Matford House following the construction of housing within the ground of Matford House and the Cavanna housing scheme, which greatly increases the sense of urbanisation to the view thereby reducing the impact of the proposed development. This appears to place the visual impact of the proposed substation on a similar basis to residential development. The submitted LVIA found that there would be minor (beneficial) impacts on a number of other nearby properties due to the removal of the large industrial/agricultural building associated with Static Homes UK.
- 2.37. The application site currently consists of a mix of uses and buildings and has an industrial/agricultural building appearance. It should be noted that the storage and sale of static homes is for a temporary period. The delivery of the approved mixed

use development on this site would result in a significant positive impact in terms of the character and appearance of the area including the removal of the existing buildings and power lines across the site. The proposed development in contrast would result in a large, overbearing and alien structure in the landscape, which by its nature is uninviting and hostile, immediately adjacent to both existing and proposed residential properties. Whilst some attempt has been made to mitigate the impact, the depth of the landscape buffer proposed is not considered sufficient to screen a development of the size proposed in such close proximity to the existing dwellings, particularly with the existing dwellings within Matford Mews. Officers worked with the applicant in exploring options for the site to provide more substantial landscaped buffers with the existing dwellings and reducing the ground level so that the proposed substation would sit lower in the landscape. However, it is understood that having explored these options they were not considered viable or would increase the impact on the new dwellings to the east. The applicant also provided examples of other places where such structures were located in close proximity to dwellings; these examples confirmed the concerns of officers that the proposed structures would have a greater impact on the amenity of residential occupiers and the character and appearance of the area than the existing structures and would fall significantly short of what could be achieved on the site with the implementation of the outline planning permission.

2.38. The proposed development is therefore considered contrary to TLP policies S1, S2 and SWE1 and the NPPF.

2.39. **Noise Impact**

2.40. A Noise Impact Assessment has been submitted with the application. The methodology set out in BS4142 compares a rating of the noise from the specific source being assessed with the background sound climate existing at relevant noise-sensitive receptors in the absence of the source operation. The difference in levels established is taken as an indication of the magnitude of the noise impact, subject to contextual considerations. Contextual factors that may be of importance include the magnitude of the difference between rating level and background sound; the character of the existing noise environment at receptors; history of noise issues (e.g. complaints) associated with the operator or the site of the specific source under assessment; the diurnal period during which impacts are identified, and the relevance to the type of receptor; and, the location at which actual impacts on the receptor could occur, i.e. indoor or outdoor. BS8233 provides guidance on noise attenuation measures that are relevant when considering mitigation and noise transmission into sensitive areas of the building. The guidance sets out internal ambient noise limits for steady, external sources without a specific character. *“Noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, is irregular enough to attract attention, or has strong low-frequency content, in which case lower noise limits might be appropriate”* (BS8233 clause 7.7.1).

2.41. In terms of the construction phase, the submitted Noise Impact Assessment found that for the worst-case activity of percussive piling, receptors within 80m are likely to experience annoyance and receptors within 15m are likely to experience cosmetic damage.

2.42. In terms of the operational phase, the submitted assessment showed that during the daytime periods for both the ONAN (Oil Natural Air Natural) and ONAF (Oil

Natural Air Forced)/OFAF (Oil Forced Air Forced) cooling scenarios the majority of receptors are likely to experience no impact, depending on the context. During night-time periods the assessment shows that for the ONAN scenario the majority of receptors are likely to experience no adverse impact, depending on context. Receptors R2 (9 Matford Mews), R3, R4 and R5 (Cavanna Homes Development) are likely to experience an adverse impact, with no mitigation, depending on context. During the night-time periods the assessment shows that for the ONAF/OFAF scenario the majority of receptors are likely to experience an adverse impact, with no mitigation, depending on the context; receptors R3 and R4 area likely to experience a difference of + 10dB, which is a significant adverse impact, with no mitigation, depending on context.

- 2.43. Based on the results of the Noise Impact Assessment, mitigation measures would be required such as an acoustic enclosure at each of the proposed transformers. With the use of a suitably specified acoustic enclosure it is likely that noise levels from the transformers can be mitigated. A condition would be required for a detailed specification of the noise enclosure once the frequency spectrum of the transformers is known. The Environmental Health Team has not raised an objection subject to the imposition of appropriate conditions. It is expected that any required acoustic enclosures would be contained within the proposed enclosure and therefore the proposed site screening would also provide screening for any acoustic measures. Officer concerns regarding the suitability of the proposed screening measures and the lack of sufficient landscaping buffer have already been addressed above.
- 2.44. **Historic Environment**
- 2.45. To the east of the application site and to the north of the A370 is the grade II listed Cotfield and Matfield. This is a large early 19th century house, divided into two properties. Numerous Scheduled Monuments are located within the surrounding landscape including an Earthwork enclosure to the south of the application site and extensive archaeological investigations have taken place across the local area as part of the South West Exeter allocation. Non-designated heritage assets within the vicinity of the site would include The Devon Hotel and Matford Mews, on the western boundary of the application site, and also Matford House and Trood House. There is the potential therefore for the proposed development to impact built and buried heritage assets.
- 2.46. An Historic Environment Desk-Based Assessment and Written Scheme of Investigation (WSI) for an archaeological watching brief has been submitted with the application.
- 2.47. What would have been a rural setting of Cotfield and Matfield grade II listed house has been encroached upon by more modern development at Matford and more recently by the housing developments to the south. Also, extensive modern works to the A379, which has been widened to a dual carriageway, will have also undermined the rural setting of this designated heritage asset. The existing electricity pylons through the area would also impact the setting of this heritage asset and the proposed development would clearly further impact on this setting. The proposed development would therefore result in further harm to the setting of Cotfield and Matfield.

- 2.48. The Devon Hotel and Matford Mews has been assessed within the submitted Historic Environment Assessment as a non-designated, surviving but altered complex of house, mews and stables and that the group of buildings is a heritage asset of low significance with the setting encroached upon by developments to the north, east and south including the existing structures on the application site. The Assessment acknowledges that the group of assets has a historic relationship to other assets historically connected to the Matford Estate, including Trood House, the road network and to the grade II listed Cotfield and Matfield. Given the close proximity of the substation to Matford Mews the proposed development would clearly result in harm to this non-designated heritage asset.
- 2.49. In terms of buried heritage assets, archaeological survival is anticipated to range from moderate to low with the greatest potential for late prehistoric/Roman remains within the south section of the site. Subject to appropriate conditions for the development to be carried out in accordance with the submitted WSI, the proposal is considered acceptable with regards to the potential for buried archaeology onsite.
- 2.50. The Scheduled Monument – Earthwork enclosure 220yds (200m) NE of Church Path Hill Plantation – is located to the south of the application site and is thought to date from late prehistoric or Romano-British periods. The submitted Historic Environment Assessment sets out that the proposed development would introduce a new built form in the setting of the asset, notably within views towards the north and the Exe river valley, and that whilst these views have already been compromised by modern developments, the substation, associated infrastructure and new compound with palisade fencing does introduce a setting impact. The Assessment found there to be strong intervisibility between the heritage asset and the proposed development and that the works would have a visible impact upon the asset's setting. The Assessment concluded that taken overall, the proposed development would result in less than substantial harm to the heritage significance of the asset; however, the Assessment also concluded that the change to the setting would not be significant.
- 2.51. The proposed development, from the applicant's own Historic Environment Assessment, would result in less than substantial harm to the setting of Cotfield and Matfield grade II listed house and to the Scheduled Monument Earthwork enclosure as well as less than substantial harm to The Devon Hotel and Matford Mews, Trood House and Matford House. The proposed development would therefore result in less than substantial harm to both designated and non-designated heritage assets.
- 2.52. The NPPF sets out that when considering the impacts of the proposed development, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be (NPPF, paragraph 205). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF, paragraph 206). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF, paragraph 208). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, paragraph 209). TLP policy EN5

(Heritage Assets) states that to protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset and that development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns and that where appropriate development should include proposals for enhancement of the historic environment.

- 2.53. The existing structures at Matford Home Farm and modern developments within the area have clearly encroached into the rural setting of the area's designated and non-designated heritage assets. As designated heritage assets the grade II listed building, Cotfield and Matfield, and the Scheduled Monument Earthwork enclosure have been assessed as having high and very high significance respectively within the submitted Historic Environment Assessment whilst the non-designated heritage assets are considered to have low asset significance. The negative impacts on the setting of these designated and non-designated heritage assets would be contrary to TLP policies EN5. The proposed development is considered to result in less than substantial harm to designated and non-designated heritage assets and therefore the scheme should be weighed against the public benefits as set out in paragraphs 208 and 209 and the NPPF. In this instance the public benefits of the proposed substation, in supporting the delivery of the sustainable mixed use urban extension at the South West of Exeter, are considered to outweigh the harm to the setting of the heritage assets.
- 2.54. **Biodiversity, Protected Habitats and Species**
- 2.55. The application site is located within 750m of the Exe Estuary Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI), which are statutory protected. Direct impacts from the scheme are not anticipated however the Exe Estuary is hydrologically linked to the application site.
- 2.56. The Biodiversity Officer has screened the proposals under the Habitat Regulations and found No Likely Significant Effect on the Exe Estuary and a full Appropriate Assessment is therefore not required.
- 2.57. There are 30 non-statutory sites within 2km of the application site. This includes the Matford Marshes County Wildlife Site (CWS) and Exeter Canal CWS, which are hydrologically connected to the application site and are considered sensitive receptors with indirect effects from both construction and operation phases of the proposed development.
- 2.58. The submitted Ecological Impact Assessment sets out that indirect effects could be mitigated by the use of standard best-practice techniques and methods detailed within a Construction Environmental Management Plan (CEMP). This should be secured by condition.
- 2.59. The application site itself consists mainly of hardstanding and buildings with some patches of amenity grassland, tall ruderal, dense scrub, arable land and lines of trees. In addition, two small areas of habitats of principal importance exist within the scheme boundary: broadleaved woodland and running water/river. Collectively these habitats within the site support a wide range of important species including: roosting, foraging and commuting bats; foraging and commuting badger; foraging and commuting otters and water vole (along Matford Brook); dormice; breeding

birds (including barn owl and circl bunting); reptiles, fish and aquatic invertebrates; and other Species of Principal Importance (hedgehog, brown hare and toad).

2.60. The various ecology, landscaping and lighting documents submitted with the application recommend a suite of avoidance, mitigation, compensation and enhancement (net gain) measures including new planting, retention of existing trees and scrub, construction management measures, lighting controls and the provision of a new bat house. Taken together these are considered acceptable in terms of protected species and biodiversity enhancement and should be secured by condition. The Biodiversity Officer has requested that Lesser Periwinkle (*Vinca minor*) is removed from the proposed Native Scrub Mix A, as it is an invasive non-native species; species mix could be controlled by condition on a grant of consent.

2.61. Of Natural England's 'Three Tests' it is considered that Test 3 (Favourable Conservation Status) is met. The Biodiversity Officer also considers that Natural England is likely to issue a European Protected Species licence where needed.

2.62. **Trees**

2.63. An Arboricultural Impact Assessment has been submitted with the application and identified a total of 22 arboricultural features consisting of 5 individual trees, 16 tree groups and 1 hedge. 3 were assessed to be of moderate quality, 17 features of low quality and 2 features of very low quality. The submitted Assessment is accompanied by a proposed Tree Removal and Protection Plan and an Outline Arboricultural Method Statement.

2.64. Subject to proposed protection measures and planting scheme the proposal is considered acceptable with regards to the impact on trees.

2.65. **Flood Risk and Surface Water Drainage**

2.66. The Sequential Test the applicant included within the Options Appraisal Report November 2021 concluded that Site 1 (Matford Green Business Park) would fail the sequential test as Site 2 (the application site) is a suitable alternative site that is at a lower risk of flooding. However, the submitted scheme for Site 2 would result in significant adverse impacts on the character and appearance of the area and residential amenity and therefore the site is not considered to be a reasonably available site in terms of the sequential test for Site 1. As the application site is located in flood risk zone 1 a Sequential Test is not required for the current application.

2.67. The applicant has proposed to manage surface water from the substation development within an underground attenuation tank and oil interceptor. The outfall from the site appears to be along the highway and into the Matford Brook within land owned by Devon County Council. Subject to the Lead Local Flood Authority's requested pre-commencement condition regarding detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy the proposal is considered acceptable with regards to flood risk and surface water drainage management.

2.68. Concerns of existing off-site flooding have been raised by objectors, the proposed surface water drainage measures, including attenuation provision, would likely result in an improvement of surface water management on the site and therefore reduce the risk of offsite flooding.

2.69. **Sustainable Development / Carbon Reduction**

2.70. TLP policy S6 refers to the Council working with communities, developers and infrastructure providers to ensure that the future impact of climate change and fossil fuel scarcity is minimised through adaptations and mitigation and TLP policy S7 states that the Council will work proactively and will seek to achieve reductions in carbon emissions. These policies do not specifically mention the need for additional substations or any criteria on the location or delivery of infrastructure of the nature proposed within this application. The proposed development would support a low carbon infrastructure, however the policies identified above are not considered to provide a level of support for the proposed location of the substation on the application site which would outweigh the harm identified.

2.71. A Sustainable Design – Carbon Assessment report has been submitted with the application along with a Carbon Management Plan. This Report presents an assessment of the Greenhouse Gas (GHG) emissions arising from the construction and operation of the proposed development and recommends potential carbon reduction measures that could be taken. As the expected timescales for decommissioning are so far into the future the Report does not consider these emissions as there is insufficient certainty about the likelihood, type or scale of emission activity.

2.72. Given the nature of the proposed development it would support the installation of low carbon infrastructure, including such items as heat pumps and EV charging points at new homes, within the area.

2.73. A waste audit statement has also been submitted; whilst largely acceptable to DCC as the relevant authority for Waste Planning, the waste audit statement should be updated to include principles to ensure that the disposal location is in close proximity to the development site to minimise the distance for waste to travel. It is considered that this issue could be addressed by use of a suitable worded condition for a revised waste audit statement.

2.74. Given the nature of the proposed development and subject to conditions to secure appropriate construction and operational phase measures and a revised waste audit statement, the proposal is considered acceptable with regards to carbon reduction and waste reduction measures.

2.75. **Highways**

2.76. The operational phase of the proposed development would result in less traffic to the site than the existing use. Devon County Council has already secured planning permission for the proposed spine road under planning ref: DCC/4330/2022, which includes the proposed access to the substation from the A379. Subject to a condition to secure the Construction Environmental Management Plan to manage construction traffic, the proposal is not considered to give rise to significant impacts in terms of traffic generation or highway safety.

2.77. **Other Matters**

2.78. Additional matters have been raised by objectors including impact on health and EMF. This matter is not currently a material planning consideration, the Council's Environmental Health team has not raised concerns on the matter of health impacts

and there would be no evidence to support a refusal on this basis. The impact on house prices would also not be a material planning consideration.

- 2.79. It is noted that the landowner is not the applicant for this proposal and has objected to the application, and therefore it is unclear whether the site would need to be secured under a compulsory purchase order to deliver the proposed infrastructure.

2.80. **Conclusion**

- 2.81. The application site currently consists of a mix of uses and buildings and has an industrial/agricultural appearance within a rural location currently undergoing significant planned change as part of the South West of Exeter Urban Extension. The application site is identified within the South West Exeter Development Framework (2014) as Development Plan Area E1 for Mixed Use development and Community Facilities and has outline planning permission granted for such a development. Whilst the need for electricity infrastructure to serve the new dwellings at South West Exeter is acknowledged it is considered that the proposed development on the application site would result in a large alien structure, which by its nature is uninviting and hostile, within the landscape immediately adjacent to both existing and proposed residential properties to the detriment of the character and appearance of the area including the setting of both designated and non-designated heritage assets. Whilst some attempt has been made to mitigate the impact, the depth of the landscape buffer proposed is not considered sufficient to screen a development of the size proposed in such close proximity to the existing dwellings. The proposed development would not be consistent with the comprehensive approach to development as set out in policy SWE1 and the South West Exeter Development Framework and would result in a significant harm to the character and appearance of the area and the amenity of both existing and future residents. It is considered that other opportunities should be further explored, including siting the proposed facility at Peamore as part of a comprehensive proposal with appropriate screening measures.
- 2.82. In terms of the planning balance, whilst the need for the provision the proposed development is acknowledged the nature, scale and design of the proposed development would result in a significant impact on the character and appearance of the area and would have a significant detrimental impact on the amenity of existing and future residential occupiers and is therefore considered contrary to TLP policies S1, S2 and SWE1 and the NPPF.

3. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033 (TLP)

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S3 Land for Business, General Industrial and Storage and Distribution

S4 Land for New Homes

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S10 Transport Networks

S11 Pollution

S21A Settlement Limits
WE11 Green Infrastructure
EN2A Landscape Protection and Enhancement
EN3 Carbon Reduction Plans
EN4 Flood Risk
EN5 Heritage Assets
EN6 Air Quality
EN7 Contaminated Land
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows
SWE1 South West of Exeter Urban Extension
SWE3 Ridge Top Park

South West Exeter Development Framework (July 2014)

Exminster Neighbourhood Development Plan 2013-2033

EXM1 Community Sports & Leisure Facility
EXM3 Quality of Design
EXM4 Use of Community Infrastructure Levies

Devon Waste Plan 2011-2031

W4 Waste Prevention

National Planning Policy Framework (NPPF) (2023)

National Planning Policy Guidance (PPG)

National Policy Statement (NPS)

Overarching National Policy Statement for Energy (EN-1) 2011 (withdrawn)
National Policy Statement for Electricity Networks Infrastructure (EN-5) 2011 (withdrawn)
Overarching National Policy Statement for Energy (EN-1) 2023
National Policy Statement for Electricity Networks Infrastructure (EN-5) 2023

The current versions (dated November 2023) came into force on 17 January 2024 with transitional provisions relating to any application accepted for examination before designation of the 2023 amendments, in such cases the 2011 suite of NPSs should have effect in accordance with the terms of those NPS.

Proposed Submission Local Plan 2020-2040

This is the Regulation 19 version of the Emerging Local Plan (i.e. the final draft). It is the version of the Plan which will be submitted to the Planning Inspectorate for public examination.

The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

The Proposed Submission Local Plan continues to propose development at South West / West Exeter with further residential-led and mixed use development to the west of the A30 at Markham Lane and Peamore and the creation of an additional SANGS area identified as West Exe Countryside Park. Whilst limited weight can be given to the emerging policies at this stage, it is clear that the current application site continues to fall within the planned allocations within this area.

4. CONSULTEES

4.1. National Highways

4.2. National Highways' formal recommendation is that conditions should be attached to any planning permission that may be granted.

4.3. National Highways has no objection in principle subject to, in the interest of the safe and efficient operation of the strategic road network, a full Construction Traffic Management Plan being submitted and approved prior to the commencement of the development and for the measures contained to be implemented in full and remain in place for the duration of the construction phase.

4.4. The submitted Outline Construction Management Plan sets out that a Traffic Management Plan will be produced during the construction period. To ensure the construction phase will not result in an adverse impact on the safe operation of the strategic road network National Highways will require the submission of a full Construction Management Plan for National Highways review prior to the commencement of development. This must include as a minimum details of construction programme (daily working hours, traffic movements etc); construction traffic types, volumes and routing; confirmation of any abnormal loads; full details of any proposed road closures and temporary traffic control of the site; and a full signage strategy for the works.

4.5. Once constructed the proposed substation would be unstaffed and accessed only by authorised maintenance personnel. The site is forecast to attract one maintenance vehicle per month for the lifetime of the substation. National Highways is satisfied that the operation of the development will not result in an adverse impact on safe operation of the strategic road network.

4.6. Standing Advice to the LPA: For the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 [now paragraphs 74 and 109 of the NPPF 2023] prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 [now paragraphs 108 and 114] advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria to promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

4.7. DCC Highways

4.8. No objection.

4.9. A new 4.5m wide bituminous surfaced access road into the Site is proposed to provide a safe and suitable access for periodic maintenance activities and major plant / equipment delivery / replacement. The tie-in of the substation access road

is at the existing S379 access along the site's northern boundary. Works are proposed to widen the existing access to provide sufficient space to accommodate an abnormal load vehicle, which would be required for delivery / replacement of the substation transformer equipment. The access widening work would include the removal of two existing trees. The proposed substation access road ties-in at the back edge of the shared use cycleway / footway running along the A379, where there is an existing dropped kerb access from the highway.

- 4.10. Once constructed, the proposed electricity substation and access road would be used for maintenance access by authorised personnel only. The substation is unmanned during operation, albeit secure with security perimeter fencing and gates. Typically, one maintenance van is expected to visit the site per month, therefore, operation traffic movements would be very low, and this would remain the case for the lifetime of the substation.
- 4.11. The existing visibility splay from the substation access to the A379 would be maintained. The proposed visibility splay for the substation is acceptable to the Highway Authority.
- 4.12. The Highway Authority is in general agreement with the contents of the Outline Construction Management Scheme.
- 4.13. A licence must be obtained from the Highway Authority before any works are carried out on land forming part of the highway.
- 4.14. **Environment Agency**
- 4.15. No objections to the proposals as submitted.
- 4.16. **DCC Flood Risk Team – Lead local Flood Authority (LLFA)**
- 4.17. The applicant has proposed to manage surface water from the substation development within an underground attenuation tank and oil interceptor. The outfall from the site appears to be along the highway and into the Matford Brook within land owned by Devon County Council.
- 4.18. No in-principle objections from a surface water drainage perspective assuming a pre-commencement planning condition is imposed for the following details to be approved before development commences: detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy; detailed proposals for the management of surface water and silt runoff during construction phase; proposals for the adoption and maintenance of the permanent surface water drainage systems; and, a plan indicating how exceedance flows will be safely managed. The reason for the condition is to ensure that 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. The condition 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 the site layout is fixed.
- 4.19. **DCC Archaeology**

4.20. The submitted Written Scheme of Investigation (WSI) sets out the scope of the archaeological work to be undertaken in mitigation for the impact of the proposed development upon the archaeological resource. The submitted WSI is acceptable to the Historic Environment Team. I would therefore advise that any consent should be conditional upon the development to proceed in accordance with the WSI and that the development shall not be brought into its intended use until the post investigation assessment has been completed in accordance with the WSI and that provision has been made for the analysis, publication and dissemination of results and archive deposition. This is to ensure, in accordance with paragraph 205 of the NPPF (2021) and the supporting text in paragraph 5.17 of TLP policy EN5, that an appropriate record is made of archaeological evidence that may be affected by the development and to ensure that the information gathered becomes publicly accessible. [Case Officer Note: paragraph 205 of the NPPF 2021 has been replaced by paragraph 211 of the NPPF 2023].

4.21. **DCC Waste Team**

4.22. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensure that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with clear focus on waste prevention in the first instance. Within the waste audit statement, the applicant has addressed the type and amount of waste likely to be produced during construction phase. It is noted that the cut and fill method will be used. It is noted that the details of the waste contractor and disposal location are to be confirmed. Given that this is currently unknown it is recommended that the waste audit statement is updated to include principles to ensure that the disposal location is in close proximity to the development site and minimise the distance for waste to travel.

4.23. **Health and Safety Executive (HSE)**

4.24. The proposed development is within the Consultation Distance of a major hazard pipeline.

4.25. HSE does not advise against, consequently HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.26. **TDC Environmental Health**

4.27. Air Quality: No observations.

4.28. Environmental Protection: During the construction phases regular noise and vibration impact assessments should be scheduled to ensure that the predicted levels are not being exceeded and causing issues with the nearest noise sensitive receptors and existing residential properties, this will also include the movement of plant as well as construction methods. The schedule of these on-going assessments will need to be made available to the LPA and also Environmental Health should any nuisance be identified. The approved Construction Environmental Management Plan (CEMP) may be reviewed and updated subject to approval by the LPA and the document should include and not be limited to:

- The identification of particularly intrusive construction practices, i.e. piling and the subsequent control measures that will be implemented.

- The arrangements to be implemented for effective communication with the local community regarding forthcoming, potentially intrusive, works.
- The methodology to be followed in respect to the proposed noise and vibration monitoring regime.
- The document should identify the monitoring locations, the frequency of monitoring, the recording requirements, relevant trigger levels and the remedial action that would be taken should the trigger levels be exceeded.
- The applicant should include a scheme of works for the control of fugitive dust coming from the site.
- The document should make particular reference to any works that are to be carried out in areas closest to the identified noise sensitive receptors.
- The plant techniques employed on the site should be reviewed to ensure they are the least intrusive available for the purpose.

4.29. The standard operating hours (including deliveries) will be 08:00 - 1800hrs. Monday – Friday, 8:00 – 13:00 on Saturdays and no working on Sundays or Bank holidays. No works shall be carried out outside of these times unless approved by the LPA. If work or generators are required to operate outside of the abovementioned hours, the site boundary sound level should be below the background sound level at the nearest noise sensitive dwelling at that time. Boundary and on-site noise levels should be monitored regularly.

4.30. **TDC Biodiversity Officer**

4.31. The site is within 1km of the Exe Estuary SPA/Ramsar site. I have undertaken a Habitat Regulations screening which found No Likely Significant Effect on the Exe Estuary. A full Appropriate Assessment is therefore not required.

4.32. A range of protected and priority species were recorded on and around the site, including bats, dormice, nesting birds, reptiles and, on the Matford Brook (into which surface water will discharge) otter, eel, brown trout and aquatic invertebrates. The various ecology, landscaping and lighting documents recommend a suite of avoidance, mitigation, compensation and enhancement (net gain) measures. Taken together, these are acceptable and should be secured. Of Natural England's 'Three Tests' it is considered that Test 3 (Favourable Conservation Status) is met. It is considered that NE is likely to issue a European Protected Species licence where needed for these species.

4.33. Flood lights are proposed for the site, but the Lighting Statement states that 'all site lighting will remain off during the hours of darkness and will be utilised during the event of an emergency only.' Additionally, light modelling indicates that light levels fall to 0.5lux within the site boundary and will be approx. 0lux at the proposed bat house.

4.34. Lesser Periwinkle (*Vinca minor*) should be removed from Native Scrub Mix A, as it is an invasive non-native species. The proposed retention of most existing trees/hedges/scrub, proposed bat house, proposed soft landscaping and ongoing habitat management are welcome and should be secured.

- 4.35. The Ecological Impact Assessment says that the full detail of wildlife avoidance and mitigation measures will be included in the Construction Management Plan; please condition this.
- 4.36. To avoid harm to legally protected and other species please require compliance with the avoidance, mitigation, compensation and measures in the Preliminary Ecological Appraisal, Landscape and Ecological Management Plan, Biodiversity Net Gain Report, Ecological Impact Assessment and Lighting Statement and condition the requirement for the Construction Management Plan to be submitted and approved prior to commencement. Also condition restrictions on lighting during construction works to permit continued use of the site by light-adverse bats, dormice and other wildlife.

5. REPRESENTATIONS

- 6.1. 31 contributors have submitted representations in objection and comment raising the following summarised concerns/points (see case file for full representations):
1. The landowner objects to the application. They were encouraged to bring the site forward as part of the Urban Extension and that after many years of working with Teignbridge District Council to fulfil their vision the landowner created plans for a residential area, amenity land and a community hub for which they have secured planning permission. The more recent application to put a substation on the site makes no sense to the local community and Teignbridge's vision and will blight the site.
 2. I own the house at Matford Home Farm and object to the proposed substation. The original plan for this site which has outline planning permission is for residential homes with amenities.
 3. The application site has been allocated since 2012 as an area for housing with a small area for retail. Loss of housing land.
 4. Impact on existing businesses at Matford Home Farm.
 5. It will negatively impact on the Devon Hotel.
 6. Proposed location conflicts with Exminster Neighbourhood Plan and the Teignbridge Local Plan.
 7. The substation would be unsightly and a blot on the landscape.
 8. It will impact on the views and enjoyment of Ridgetop Park.
 9. Would be highly visible within the landscape from A379, the neighbouring existing and approved housing.
 10. Would be unsightly development at the forefront of the South West Exeter development framework area.
 11. As the owner of the house which would be demolished if planning is successful, I object to the proposal.
 12. Too close to the homes at Matford Mews.

13. Impact on the amenity of new residents at Medland Way and Farmer Place to the east.
14. Surely there is a more appropriate site available which will not impact present and future residents.
15. Should be located away from housing within an industrial area such as Marsh Barton and not a residential area.
16. Alternative sites exist and the applicant conceded within their 4 August 2023 response that the selection of Matford Home Farm is completely based on being the cheapest site to develop.
17. Following the November 2023 Technical Note the design and layout of the proposed electricity substation continually fail to recognise the enormous impact that this massive industrial construction will have on the residents of existing properties adjacent to the site.
18. The applicant acknowledges that rotating the substation or relocating elements may address concerns relating to visual impacts from Matford Mews but would introduce visual impacts from the Cavanna housing scheme. We would urge that priority is given to the wellbeing of residents in existing properties. How can the applicant possibly demonstrate more concern and priority for properties that have not yet been constructed, above those residents that have been living for the past 25 years next to the proposed site.
19. The applicant has dismissed proposals suggested by the LPA for additional landscaping space stating that little benefit will be gained from implementing them. However, as a resident of Matford Mews, any improvement whatsoever that reduces the impact on our properties must be considered worthwhile.
20. The Visual Impact Report compares the effect of the substation with existing structures. It does not consider the loss of amenity to Matford Mews.
21. Residents of Matford Mews have been waiting for the replacement of the existing structures at Matford Home Farm by well-designed houses as approved in the outline planning permission for the site.
22. Noise disruption.
23. The residents of Matford Mews should not be forced to live so close to a potentially noisy health hazard when there are far more suitable sites close by. The other sites may possibly be slightly more expensive to develop, but for the wellbeing of all those nearby I would request that the applicant reassesses the Marsh Barton site or possible site at Peamore.
24. Concern with the applicant's statements on noise issues: 'are likely to be below' and 'is unlikely to have significant impact'. This offers zero confidence in the analysis undertaken and submitted within the planning application. We would request that the applicant make definitive statements against which levels can be measures.
25. The statement regarding a 25m minimum offset from properties Nos. 6-8 excludes my property at 9 Matford Mews. My property would be most affected by this

proposed industrial structure and it will be the closest to the 132kv transformers and will have uninterrupted views of the site to the east and south. The applicant's proposed 'Option D – revised landscaping to include woodland along the western boundary and walling to the north of the substation enclosure fails to include my property. This subsequently results in me retaining a full view of the majority of this industrial site.

26. The applicant claims that the noise impact can be effectively mitigated beyond the substation site, see Noise Impact Assessment para 7.1.5; this is a subjective assumption. Noise levels have not been measured in crucial locations within the neighbouring properties, particularly at first floor levels, in gardens and the Matford Mews recreation area. Also, it is stated that noise created by the plant cannot be given as the plant to be used is currently unspecified.
27. The cross-sectional view from G1 to G is totally meaningless as the skylight window referenced at point G1 belongs to property No.4 Matford Views which has a lower roofline than Nos.6-9.
28. The site is liable to flooding. During heavy rainfall in autumn 2023 a considerable quantity of water from the area of Matford Home Farm caused flooding of Matford Mews parking area.
29. This site is being pushed due to money and costs and not the costs to the broader community.
30. The site has been chosen solely on being that it is the cheapest to develop. The applicant makes numerous references to amendments being 'prohibitively expensive' and 'substantial costs'; for the applicant to claim they cannot consider making amendments due to the cost is an insult to concerned citizens given the profits of National Grid PLC.
31. The substation should be located at Peamore rather than next to established and currently constructed residential development, which is quite obviously not the best location.
32. There are at least two alternative sites including Peamore, which is approx. 500m from the line of the current cables and also Marsh Barton Industrial Estate.
33. The October 2021 consultation by DCC showed that of the three sites considered, a majority of respondents objected to Matford Home Farm as a possible site with most public support for Marsh Barton site. Marsh Barton site is in flood zone 3; however, the comments of DCC Flood Risk Team was 'no objection would be raised if the substation can be safely and appropriately designed within Site'. Marsh Barton is far better suited for this type of industrial infrastructure than within a residential housing estate and the level of the site could very easily be raised by the required amount, as all other industrial buildings in that exact vicinity have already successfully accomplished.
34. Marsh Barton Site can be considered as a suitable alternative to Matford Home Farm. The applicant's documentary references indicated that by raising the ground above predicted flood levels and with suitable screening, Marsh Barton Site is eminently suitable to accommodate the substation. Commercial enterprises already exist on adjacent land and Exeter City accept the use of this land for additional commercial use, all in Flood Zone 3.

35. Matford Home Farm site would also require extensive groundwork to level the site and provide a level platform as set out in the submitted Planning, Design and Access Statement.
36. Current scientific evidence fails to show clear links between electric and magnetic fields with human illnesses. However, many expert public bodies such as the WHO continue to undertake research investigating links between these fields and cancer. UK government policy does not require any special protection to be taken. It is unacceptable to expose residents close to the substation, with both overhead and underground cables, to possible risks. The submitted 'Planning, Design and Access Statement' states that the proposed scheme will generate electric and magnetic fields (EMFs) and that EMFs have been investigated in depth during the past three decades and advice from the UK electricity industry suggests that EMFs do not cause disease. The use of the word 'suggests' is not reassuring.
37. Strongly object to the proposals; however, if granted then would request conditions are imposed to ensure that all transformers are equipped with acoustic enclosures providing a minimum noise reduction of 20dB at 100Hz and additional planting of fast-growing large evergreen shrubs or trees on top of the western bund adjoining Matford Mews to improve privacy and aid in noise reduction.
38. EN-5 is generally supportive of new electricity substation infrastructure provided it is properly sited and any environmental effects are mitigated to a reasonably practicable minimum. Disagree with the applicant's statement that they have undertaken a thorough and robust site optioneering and selection process. The applicant undertook a 'consultation' process that included asking for public opinion on the siting of the substation. The outcome of this process was conclusively against the siting at Matford Home Farm. The proposal was then submitted for planning approval by Devon County Council and every public comment was one of 'objection' to the use of the Matford site. The application was then submitted to Teignbridge DC and again every public comment was one of 'objection' to use the Matford site. For the applicant to state that a 'thorough and robust site optioneering and selection process' was undertaken totally omits the fact that absolutely everyone, including parish and district councils, objected to the use of the site selected by the applicants.
39. Within the applicant's document 'WSP SW Exeter Electricity Substation – Applicant's Response to Consultee Objections on Alternative Sites' dated 4th August the applicant admitted that the selection of Matford Home Farm is completely and solely based on being the cheapest site to develop and that delivery of a substation at Peamore instead was explored but additional costs would be incurred because Peamore is not considered to be the least cost scheme and NGED will only provide a reinforcement contribution to what is considered to be the least cost scheme. This response by the applicant negates any thought that the applicants have undertaken a thorough and robust site optioneering and selection process. The one and only selection criteria used by the applicant was that of minimal cost.
40. Impact on house prices [Case Officer note: impacts on house prices does not fall within material planning considerations].

6. TOWN / PARISH COUNCIL'S COMMENTS

6.1. Exminster Parish Council requests that this application be determined by TDC Planning Committee and objects to the application for the following summarised reasons:

1. It does not meet the requirements of policy EXM02 Open Countryside of Exminster Neighbourhood Development Plan and policies S1, S2, S5 and S11 of the Teignbridge Local Plan 2013-2033.
2. Loss of housing land and retail.
3. Overbearing, adjacent to homes in Matford Lane, the Devon Hotel and Matford Mews. Would stand several metres above the rather beautiful stone buildings at Matford Mews. Totally spoil the attractive newly built Elm Park. Out of keeping with character of the area and is especially unsightly on one of the key arterial routes around Exeter from which it will be prominently seen. Walkers in the new Ridgetop Park will also have a clear view of it.
4. Noise or disturbance resulting from use, including the proposed hours of operation.
5. Polluting noise, light and toxic surface water runoff – any pollutants from the substation would be drained into Matford Brook and travel through the waterway system in Exminster Marshes and out into the River Exe (contrary to TLP policy S11).
6. Carbon Plan. There are extraordinarily low carbon emissions expected from this substation over its lifetime and this should be clarified.
7. Capacity of the physical infrastructure such as public drainage.
8. Possible adverse health side effects on people that will live next to the substation with published guidance that reasonably practical efforts should be made to site substations distant from homes.
9. More suitable location. The decision to site the facility on Matford Home Farm is fundamentally flawed and driven more by financial considerations rather than selecting the best location. More suitable location in Marsh Barton. Alternatively Exminster Parish Council would support the siting of the substation at Peamore. The emerging TDC Local Plan has allocated 99ha for a mixed use development and it would make sense to site the substation at Peamore where early identification would mean it can be considered in the master plan at an early stage so as to minimise adverse impacts on future residential housing.

7. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

8. ENVIRONMENTAL IMPACT ASSESSMENT

The development has been screened under the EIA Regulations 2017. It does not fall within Schedule 1 Development. However, as part of the South West of Exeter Urban Extension the development proposal would fall within Schedule 2 urban

development projects (10(b)). The Council's Screening Opinion is considered to be negative and therefore an Environmental Impact Assessment is not required.

11 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.

Head of Place and Commercial Services