

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 July 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
P J Heal, F W Letch, B G J Warren and
B Holdman

Apologies

Councillor(s)

G Barnell

Also Present

Councillor(s)

R Evans

Present

Officers:

Myles Joyce (Consultant Development Management Manager), Arron Beecham (Forward Planning Officer), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

39 **ELECTION OF VICE CHAIRMAN (0.04.04)**

Cllr P J Heal was duly elected Vice Chairman for the remainder of the municipal year.

40 **APOLOGIES AND SUBSTITUTE MEMBERS (0.05.55)**

Apologies were received from Cllr G Barnell who was substituted by Cllr B Holdman.

41 **HYBRID MEETINGS PROTOCOL (0.06.10)**

The Committee had before it, and **NOTED**, the Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

42 **PUBLIC QUESTION TIME (0.06.25)**

Jan Jones spoke in relation to the proposed Solar Farm at Langford..... I am speaking on behalf of the residents of Langford and the surrounding areas who are unable to attend due to work commitments. I have two questions, my first is, can you tell me why this proposal is even being considered if in the Mid Devon Solar PV development in the landscape document it states that in this area i.e. the Lowlands

Plane LCTVE, above 15 hectares, would be classified as a high sensitivity area and this proposal is 4 times that at 60.7 so therefore should be rejected? This question was not answered by the case officer in the planning balance section of his report.

My second question is, after 40 years of operation the soil will be severely degraded and recommissioning would have to be carried out with care to prevent damage to solar panels and leakage of toxic materials i.e. cadmium. How will this be done as the application says nothing about the decommissioning? I understand that after ten years of operation, the site could be reclassified as brown field. Is the Committee happy that this might mean the land is forever lost to agriculture and could become an industrial or housing estate?

Michael Jones spoke in relation to the same application.....At the previous meeting at which this application was discussed a question was asked as to why the reasons for rejection had been reduced to half a page of bullet points. The answer given was that the members of the committee could read all the objections. Surely it is the purpose of the officer's report to present all the facts. Can you state how many members of the committee have actually read all the objections?

Second question, it was stated in the previous minutes and the quote "there would be a financial investment in the local economy with employment opportunities". Given the permanent loss of farm jobs and the supply chain, what are these opportunities? Contractors will use a transient workforce from outside the district and none of the investment will transfer to community jobs.

Third question, please can you clarify what provision has been made for the deer whose natural corridor runs directly from the solar farm along the River Weaver which has been observed by local residents for many years?

Richard Hughes speaking in relation to Deer Barn, Hockworthy stated..... If the investment is hugely disproportionate to the expected income making the proposal financially unviable will the application be refused? If it is not refused on these grounds, where in MDDCs Local Plan is there an indication that financially unviable businesses could be allowed?

If the Full Ecological Appraisal was based on incorrect information (regarding external lighting) and undertaken at a time when bats are hibernating (daylight hours in March) will the applicants be asked to commission a report based on correct facts and at an appropriate time of year for a fair report? Will the appraisal have provided false information on which the Wildlife Trigger Table was based?

With the site entrance being on a blind corner of a mainly single-track lane, and using a public footpath, there are concerns over highway and pedestrian safety - can a visit be made by Highways Agency in order to assess safety? (NPPF Para 109).

A static barn, used for the storage of camping facilities, was built on the site by the applicant last year without planning permission, however, it does not appear on the site plan and no retrospective mention of it seen in the application. Will this barn be addressed by the planning enforcement team at a later date?

The planning statement mentions glamping tents (in its title) but then goes on to mention pods and cabins, can we be assured that only TENTS are being considered as per title?

Are we correct in assuming that as permission is being sought PURELY FOR TWO GLAMPING TENTS all year round, any additional undisclosed structures, to include camping tents or 'pup' tents, will NOT be allowed?

IF the application was approved would the applicant be allowed to run 'permitted development camping' on the same site as the Glamping Tents?

Helen Hitt, also speaking in relation to the Solar Farm stated.....I am asking questions on behalf of all landowners involved in this application.

Our families have been farming in Langford for more than 100 years. We are proud custodians of this landscape and passionate about protecting and nurturing the countryside for the next generation of farmers and we have a responsibility to constantly adapt and respond to the challenges presented to us. In farming we continually hear that diversification is the key to our survival. Our land is an asset, and therefore, my first question is do you recognise the need for us as farmers to use this land to integrate renewable energy production into our farming practices to maintain a business that is both environmentally and economically viable?

My second question to the committee, is have you undertaken a site visit? If so you will have seen for yourselves that the proposed solar development is in an area of countryside where visible impact is incredibly low due to, the topography of the land and the existing trees and hedges that surround the fields.

Are the committee aware of the government's recent climate change policy? In it they state meat consumption should be reduced by 35% over the next 30 years. As a beef farmer I therefore will have to cut production by 35% and will need to find alternative land use.

I also ask the committee are you aware solar developments can only be built on land that is classified as grades 3, 4 and 5 which this project is? My land in particular is classified as grade 4 which I quote, is land which "suffers severe limitations that significantly restrict the range and/or yield of crops to be grown". It is land that is most suited to growing grass and this development will allow for that to continue.

As landowners the last thing we want to do is cover our fields in concrete for housing or destroy the soil through increasingly intensive farming practices. The proposed solar development would result in a conversion of the land to a low input organic permanent pasture. The soil quality will improve due to less compaction, no artificial fertilisers and no chemicals would be applied and sheep will continue to graze on the land. Fauna and flora will flourish. We believe this proposal maximises the full potential of this land area in a way that traditional farming practices just don't allow for.

Climate change is real, is here now and we have the ability to mitigate its impact. The demand for electricity is real, is here now and is only going to increase. Times and needs have changed and so too must our farming practices.

Are you the committee going to back this proposal which will go towards addressing these issues, support sustainable development and meet Mid Devon's net zero carbon emissions commitment that you have signed up to for the benefit of our future?

Charlie Dowden also spoke in relation to the Solar Farm application at Langford.....As a recent graduate of Exeter University's School of Geography and Sustainability, I - along with many of my peers - have legitimate concerns about the Devon that we will be left with in 50 years time. In May 2021, the Met Office (based down the road in Sowton) recorded that Devon experienced its wettest May on record, with an average of 192mm of rainfall, topping the record set in May 1869. In the spring of 2020 - Devon had its sunniest spring on record, beating the spring of 1948.

Whilst no single event can be linked to a changing climate; the likelihood of these wild fluctuations will only increase with time and demonstrate the increasing challenges the rural community face at a local level, when dealing with a problem of global scale.

The role of a landowner is not to maintain the status quo; it is to utilise the resources we have available to provide social, economic and environmental value for both current residents and for future generations. In supporting this application for renewable energy in Mid Devon; it demonstrates a commitment to the young people of Devon and the future of our county, at a time where we are still in a fortunate enough position to be able to make a positive impact.

The Langford Solar Farm represents a vital addition to the local community - supporting energy for 10,000 Mid Devon homes - at a time of considerable local growth, not least from the proposed Culm Garden village. The Solar Farm will benefit the local community through providing clean, safe and sustainable energy, with an annual CO2 emissions reduction of over 20,000 tonnes. This aligns with guidance from the National Planning Policy Framework that the planning system should "support renewable and low carbon energy and associated infrastructure".

This application is an essential component of the local area's long term growth plan; supporting the success of our area through the provision of sustainable development and presents a unique opportunity to stand up for the needs and concerns of future generations by addressing the climate emergency. We have to act when a large opportunity for positive local change comes about and given this, my question to Mid Devon County councillors is, how are you going to demonstrate your commitment to future generations of Devonians and to young people in rural Devon today who are worried about how the changing climate will impact our lives in years to come?

Roland Smith spoke in relation to the same application.....I could not find any information about the energy storage capacity of the battery facility, say in kWh or MWh, said to have a power of 12MW. I trust you are not recommending approval without knowing this important basic parameter which will indicate how long the stored energy could possibly support the grid. What is the energy storage of the battery facility? Several conditions relate to the solar panels but why aren't there conditions controlling the battery storage facility as part of this proposal?

Under "noise/impact/amenity" the officer states the equipment does not operate during the hours of darkness. As this is the time we most need electricity for heat and light, may I ask: what is the point of taking 150 acres of land (the average size of one Devon farm) out of food production?

How can a solar farm connected to the national grid specifically benefit an average of 10,077 homes in mid Devon when the contribution of 49.9MW to the grid would generate, on average, a trivial and insignificant 0.016% of average demand and absolutely zero after sunset when demand is at its highest?

Are the committee members aware of recent research by three eminent scientists, published last weekend in the national press, which shows the danger of catastrophic fire hazard of containerised batteries, possibly causing explosions on the scale of that which destroyed the port in Beirut?

In response to a written parliamentary question about the hazards of mass deployment of lithium-ion batteries for grid storage, the minister on 12th July said "There are mechanisms in place at a local level to assess the environmental impacts and benefits of lithium-ion battery storage projects. Any applications for such projects will be carefully assessed by relevant decision-makers against all relevant criteria." Can you say where the environmental impacts (which will include the hazards from fires and explosions and toxic gases) have been carefully assessed by the officer and will they be carefully assessed by the committee members?

In the event of a thermal runaway as I've already described, it would fall on the local fire service to deal with the incident. Is there an adequate water supply available on site to deal with such an incident? Also, on 12th July a government minister said "In addition, for large scale battery storage, there are statutory requirements to notify the Fire and Rescue Service to inform their emergency response planning." Can you tell me if Devon and Somerset Fire and Rescue Services have been informed, and if so, what was their response?

I know that this is not a planning issue, but are the members of the Committee aware of the huge amount of adverse publicity that Mid Devon District Council will receive if you approve this planning application with its London-based applicant profiting from human rights abuses in China?

Robert Deane also spoke in relation to the Solar Farm application.....Thank you for the opportunity to ask a question. If I may, I'll give a little context before asking my question.

I've paid close interest to the application because we neighbour the site, living just 340m from it. After weighing up the issues, I submitted a comment in support of the application, raising points which I hope address some of the concerns of objectors - for instance the negligible effect of the solar farm on food production, the new habitats that will be created and the reduction in greenhouse gas emissions from the land.

I take the view that solar farms like this are a necessary part of the country's transition to net zero. The visual impact on the landscape is a matter of personal opinion and, for me, solar farms are a sign of the changes we should all be making if we want to reduce climate change and keep the lights on.

The site is not in an area of particularly high landscape quality and is largely hidden from public view. Converting the land on which the solar panels will sit from low grade arable and pasture to nature-friendly permanent pasture offers significant benefits such as enhanced biodiversity, reduced greenhouse gas emissions and

carbon sequestration in the soil. These benefits would not be achieved from roof-top solar.

So my question – actually two related questions. I would like to ask the Planning Committee, if they decide this solar farm should not go ahead, where they think is suitable in Mid Devon? And related to this, what steps is the Council taking, through its planning policy, to support the switch to renewable energy generation?

Mandy Willis speaking in relation to the same application stated.....can you tell us how many councillors have made any kind of site visit. We have offered access to our property available on many occasions since the March meeting and no member has made contact with us. A view from a road side drive by is not sufficient to understand our concerns as a resident directed affected by this application.

The developers have put in place flood prevention measures. Can you tell us what would happen if these were to fail? The fields that immediately backs onto our property, has been known during heavy rainfall to have a substantial amount of water pour off it into the stream that separates our boundaries coming into our garden and flooding it. I would like to refer Members to photographs take of our property submitted to the March meeting as a reminder.

Will the security fencing and security lighting and where will this be sighted? If so how ill this impact on the bat colonies that we know inhabit this areas? Will this also impact on the residents whose properties also border the proposed site for this lighting?

Are the Committee members aware how close the panels will be to our house? According to the plans submitted the panels will begin only 25m from our own boundary. Currently there are a few trees shielding the view of this but they are not evergreen and our view for a good part of the year will be a security if this tree line or hedgerow is removed by the developer and any infilling should be evergreen and of a height to prevent any view of security fencing, potential glare, road noise and CCTV to at the very least maintain our privacy, health and well being.

It was a constant disappointment that considering the obvious impact on our house and others in our road that the developer did not in any way reassure us as to any impact the development would clearly have. However, after an email we sent to the developer yesterday, contact has been made and a dialogue opened as to how some of our concerns can be mitigated but we were led to believe that the owner of this field would consider removing it and we would ask that this suggestion is perhaps put to the developer or even better put as a condition of any planning decision the committee should subsequently make.

Heather Wheeler, again speaking in relation to the Solar Farm stated.....the Officer's Report concludes that the scheme will make a valuable contribution to cutting greenhouse gas emissions, allowing Mid Devon to address the Climate Emergency.

The Applicant made a subordinate claim that the scheme could result in net biodiversity gain.

In its early response, the county's premier ecology charity, the Devon Wildlife Trust, concluded its detailed comments by recommending the involvement of a Habitat Restoration Ecologist in the drawing up and subsequent management of an Ecology Enhancement and Management Plan to 'give credibility' to any proposals.

Its status as a Charity with strictly limited resources has precluded further contributions but the recommendation still stands. A Biodiversity Clerk of Works, as later proposed by the Applicant, is not required to have habitat restoration expertise and is not a substitute for a Habitat Restoration Ecologist.

Why has the Council ignored a recommendation by DWT, which could enable the scheme to double its benefit by tackling not only the Climate Emergency but also the equal emergency of Biodiversity loss?

Rupert Grantham spoke in relation to the Buccaneers Bar planning application.....

Policy DM23, of the recently adopted Local Plan, is opposed to the loss of a valued community facility such as this, unless the facility is proved to be no longer economically viable. The Plan (para 4.71) requires that 'Assessment of viability will require the submission of detailed evidence relating to trading accounts, valuation considerations and the marketing of the business or property at a reasonable price for a minimum of 12 months'. Yet the report makes no mention of this, choosing instead (p58) to rely on the owner's assertion that the business has not been profitable for the past 4 years. Why has the Plan's test not been applied here?

The report contends (p58) that approval of this application would enable the Dairy to expand their activities and increase their workforce. Yet there is no obligation in place to link this aspiration to the permission, should it be granted. So will any weight be given to this claim?

Tom Devine spoke in relation to the Solar Farm application at Langford.....have the councillors given any thought to the neighbouring solar farm facility at Tidehill which is just 1.2km away at the nearest point which is 158 acres? Although being in East Devon have they considered cumulative impact on the landscape and the possibility of further development of solar farms in this area or other parts of Devon at present potentially totalling 922 acres?

Secondly, developers quoted that the concerns of the local community and business have been met, but have they? There would be considerable impact on tourism as they would be deterred from staying in an area surrounded by solar panels as there are several bed and breakfast and holiday lets which have been ignored. Why has this not been considered?

Finally, the proposal has over 20 miles of solar arrays, have you considered the impact of large vehicles visiting the site twice a year that will need to travel along the arrays to clean the panels using deionised water and applying weed killer and cutting the grass?

Barbara Jones, spoke in relation to the straw bale house at Stenhill application.....I understand that Mid Devon Council has declared a Climate Emergency and committed to be carbon neutral by 2030. If you are serious about that, you have to do things significantly different or as Henry Ford said if you always do things the way you always did you'll always get what you always got!

As planners you've the opportunity to implement the bigger picture. Keeping the Climate Emergency in mind you have the power to interpret planning policy in order to do something that actually makes a difference. Your officers may give a narrow focus that doesn't put the sustainability of the proposal first but as councillors you can be bold and make a statement that says Mid Devon District Council pays more than lip service to becoming carbon neutral.

I would have thought you would want to give a really clear message that says this is what we mean by an exemplar sustainable building but at the moment the recommendation is to refuse a zero carbon house. What message does that give? I personally have guided plenty of these sorts of buildings through the process and worked with some truly forward thinking planners.

My question to you is this ... are you, Mid Devon District Council willing to stand up and be counted and put your decisions where you say your commitments are?

Terry Matthews speaking in relation to the proposed Solar Farm stated.....given that such an installation could be in place for the next 40 years who will be responsible for ensuring that all these unique conditions will be complied with. Who will be responsible for ensuring that these conditions are delivered? What would be the consequences if they are not complied with especially regarding flood control and wildlife habitation? The last part of this question is, what are the consequences of non-compliance enforceable by MDDC over the next 40 years and what assurances do Mid Devon Council have for the long term capability of enforcing them? I ask that question because there are similar solar farms on a smaller scale not a million miles away where complaints have been made for example about screening and the developers have yet to address those.

The second question is, what in lay man terms are the benefits to local residents for such a huge installation?

Sally Matthews speaking in relation to the same application asked is there a minimum term for the duration of the solar panels? Are there any break clauses, for example, due to advances in technology that could lead to the agricultural land being changed to green field leading to its change in use?

Another question, what assurances can be given to the public that the planning decision will not be influenced by the perceived potential financial implications to Mid Devon District Council? I ask this question because the officer recommendation places a heavy weight on perceived potential, financial risks and hazards to MDDC in the event of an appeal or public enquiry?

Tristan Parsons – Provided the following statement which was read out by the Chairman:

Thank you for your invitation to the committee meeting for this application.

Unfortunately, I am unable to attend due to work commitments. I would be grateful if my original letter (forwarded below) could be read for the committee on my behalf or otherwise brought for consideration.

I have summarised my letter as follows:

- Devon and Mid Devon councils have set ambitious climate goals for 2030 and 2050.

- Transitioning away from fossil fuel energy production and towards renewables is essential for achieving these aims.
- These solar panels will significantly contribute to local energy needs, providing for 10,000 homes.
- The scheme will provide £190,000 in business rates for the council to fund other local needs.
- It will also contribute a biodiversity net gain on sub-prime agricultural land.
- The proposals are far more viable than other forms of panelling, such as industrial roofs.

Richard Hughes, again speaking in relation to the Deer Barn application at Hockworthy, specifically the erection of a new reinstated stone wall.....asked..... What are MDDC's Planning Regulations in relation to the removal of an established 'bank' and hedge, or any sort, within a conservation area?

What are MDDC's thoughts about the creation of an entrance way in a conservation area, without planning permission?

If an application and/or its supporting documentation are found to be misleading and/or contradictory in its claims will the application be considered?

This site has had a recent enforcement case against it with major implications on this application – this case appears to have been put on hold – if the terms of the enforcement case are NOT met by this application will the case be reinstated?

The Chairman stated that the questions would be addressed when each item was discussed.

43 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.41.56)**

Members were reminded of the need to declare any interests when appropriate.

44 **MINUTES OF THE PREVIOUS MEETING (0.42.04)**

The minutes of the meeting held on 23rd June 2021 were agreed as a true record and duly signed by the Chairman.

45 **CHAIRMAN'S ANNOUNCEMENTS (0.42.55)**

The Chairman announced that Cllr D J Knowles had stepped back from the Planning Committee and she thanked him for his Vice Chairmanship and for the years he had served on the Committee.

46 **DEFERRALS FROM THE PLANS LIST (0.43.45)**

There were no deferrals from the Plans List.

47 **THE PLANS LIST (0.43.51)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

a) Application 20/01631/FULL - Erection of a dwelling and construction of new vehicular access at Land and Building at NGR 305693 110454, (East Of Butsons Farm), Stenhill.

The Planning Officer outlined the application and explained that the application site was in Stenhill which was not a defined settlement under Policy S13 of the Local Plan. The application site was, therefore, in the open countryside under Policy S14 where development was permitted subject to appropriate conditions. It was subject to the same restrictions defined under Policy DM6 such as affordable housing and local connections for residents.

The Officer outlined the application by way of a presentation which highlighted the block plan, floor plans, elevations, illustrations and photographs of the site.

In response to public questions he stated:

- The authority had recognised the green credentials of the scheme but the location had to be sustainable and not outweigh the emissions created by it. There were no public transport links close to the property

Consideration was given to:

- The siting of solar panels on the garage roof and electric car charging facilities to enable a more sustainable way of living had been incorporated in the design
- Officers views that the development location was not sustainable as it was not in a designated settlement and had no access to public transport or local infrastructure
- The views of the objector who stated it was a significant property in a rural area, there was no need for the dwelling when the applicants family already had a substantial building very close to the site
- The views of the supporter who stated that the applicant had met all the criteria of Policy DM6 apart from the location. The site was 1 mile from the settlement of Uffculme and other properties had been allowed on appeal. The development aligned with a top priority of the Council which was climate change
- The views of the Ward Members who stated the development was a design of exceptional build and quality, refusal was wrong as this was not just a house but a way of life and that the Council should be encouraging these sorts of self builds in rural locations
- The views of Members who felt that the location already had a number of large farmsteads around it and that now and again smaller properties were required in hamlets
- Members views were that any village property would need to rely on private transport due to the lack of public transport in rural areas
- Members views that if there was a barn on the site it would have been granted Class Q permission to turn it into a house anyway the only difference was this was a new build

It was therefore **RESOLVED** that: planning permission be granted subject to conditions delegated to the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B G J Warren and seconded by Cllr L J Cruwys)

Reason for the decision: The application for the erection of a dwelling was considered to be supportable in policy terms, applicants had a local connection, the dwelling was sustainable and within a reasonable distance of a settlement. On this basis it was considered that planning permission could be granted, subject to conditions, in accordance with the development plan.

Notes:

- i.) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the site was within his ward;
- ii.) Lynn Baird spoke as the objector;
- iii.) Stephen Gill spoke as a supporter;
- iv.) Cllr B Evans spoke as Ward Member
- v.) Cllr R J Chesterton provided a written statement which was read out by the Chairman

b) Application 21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building at Rosemount, Kentisbeare, Cullompton.

The Area Team Leader outlined the application and explained that the existing agricultural building had previously been given Class Q approval to turn into a dwelling. The application today was to apply for new dwelling on site as a fall back proposal to the approved Class Q conversion approved, noting that if the dwelling was not approved a dwelling could still be created on the site using the fall back position of the original position for the conversion of the existing agricultural building.. He explained that two additional conditions had been included in the update sheet for a wild flower meadow to be secured and the removal of the existing building.

The Officer outlined the application by way of a presentation which highlighted block plans, the Class Q approval original design, an illustrative site layout, proposed roof and floor plans, proposed elevations and photographs of the site and existing barn.

In response to Member questions the Officer explained that a package treatment plant dealt with the foul drainage and was recommended by Public Health as an alternative to mains drainage or a septic tank.

Consideration was given to:

- The views of the objector who said the site was in a beautiful location and the application was a modern design which did not compliment the area, the site was on a dangerous road and there was no need for additional dwelling in the area. There were concerns with birds flying into glass and that the betterment was for the applicants only
- The views of the agent who confirmed that is permission was refused the applicant would use the fall back position as the Class Q had already been accepted and approved. The new design was a betterment and that the site was well screened

- The views of some Members who felt that the orientation was intrusive to other properties and that the site was on a busy road
- The views of Members who stated that the choice before them was to approve either a conversion of the original barn or allow the barn to be removed and replaced with a new build dwelling
- The views of Members that the current screening could become inadequate if trees had to be removed due to Ash Dieback which was prevalent in the area

It was therefore **RESOLVED** that: planning permission be granted and delegated authority be given to the Head of Planning, Economy and Regeneration to provide an additional condition with regard to:

- The replacement of trees which may need to be removed due to Ash Dieback to retain the screening from neighbouring properties.

(Proposed by Cllr P Heal and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs B G J Warren and S J Clist made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllrs S J Clist, B Holdman and B G J Warren requested that their vote against the decision be recorded;
- iii.) Rosanna Stancampiano spoke as the objector;
- iv.) Glenn Crocker spoke as the agent;
- v.) Cllr S J Clist spoke as the Ward Member
- vi.) The following late information was received:

21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building – Rosemount, Kentisbeare, Cullompton.

9th July 21

Please see below for two additional conditions recommended to be imposed in order to secure biodiversity gains on site and to prevent an additional dwelling being achieved.

Condition

Prior to the first occupation of the dwelling hereby approved, the Wildflower Meadow as shown on drawing no. A0B REV E and identified as forming part of the ecological mitigation for the development shall be implemented with planting/sowing undertaken with the Wildflower Meadow retained in perpetuity thereafter.

Reason:

To ensure that the development makes a positive contribution to the character and amenity of the area and provides biodiversity gain in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

Condition:

The existing building on site shall be demolished and all material not being recycled on site shall be removed within 3 months of the first occupation of the new property or its substantial completion, whichever is sooner.

Reason:

The site is in the open countryside where the provision of an additional dwelling is not supported by policy S14 of the Mid Devon Local Plan (2013-2033)

c) Application 21/00443/FULL - Change of use of land for the siting of 2 glamping tents and associated facilities at Land at NGR 303735 119592, The Deer Barn, Hockworthy.

The Principal Planning Officer outlined the application and explained that there was scope within the Local Plan Policies to consider rural tourism in the open countryside but it must demonstrate that the benefit would outweigh any harm. He explained that the site had been running the two glamping tents with a 28 day permitted use exception which had been extended by the Government to 56 days permitted use during the pandemic.

The Officer outlined the application by way of a presentation which highlighted site location plan, illustrative block plan, tent plans, toilet and W.C. block and photographs of the site.

In response to public questions he responded:

- Enforcement teams would pursue any areas of concern;
- Ecological surveys were carried out by qualified surveyors;
- The Highways Authority had no issues with the site entrance which was shared with Deer Barn, fields and a Class Q;
- Additional buildings did not form part of this application but could be subject to enforcement action if non compliant to Policy
- Noise generators were subject to environmental health conditions
- Enforcement teams would investigate any breach of conditions

Consideration was given to:

- The officers confirmation that with regards to the business case, neighbouring businesses had been investigated but there was not similar offering nearby;
- The Officers confirmation that there was no particular issue with noise on Glamping sites and this business promoted quiet times and star gazing;
- There was no ability for the tents to be changed to other structures without further planning permission;
- The views of the objectors who though was pleased with the changes to the application did not think it was a financially viable proposition. If Members were minded to approved requested conditions were put in place before the site was opened and that a condition be imposed that only solar power be used on site and not generators. A fire management plan should be requested due to the fire pit on site and there was no grey or foul water management plan;
- The views of the agent who stated that applicant was requesting permission to allow part of the site the change use beyond the temporary time limits already

permitted under Class A. The land is in agricultural use over the autumn and winter months and this was low impact and sustainable holiday accommodation. A robust business plan had been submitted which justified the countryside location;

- The views of the Ward Members who had concerns about the rural aspect of the site, highways concerns and local residents concerns about the costs involved in setting up the business. Members should give attention to the views of both objectors and supporters;
- Views of Members who felt there was no reason for the tents not to be there and that people were looking for just this type of holiday accommodation in these sorts of areas;
- Confirmation that there was already a management plan in place which covered excessive noise.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr E J Berry and seconded by Cllr B G J Warren)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had a friend with holiday lets in the area;
- iii.) Cllr S J Clist requested that his abstention from voting be recorded;
- iv.) Richard Hughes spoke as the objector;
- v.) Naomi Jackson, the agent, provided a written statement which was read out by the Chairman;
- vi.) Cllrs J Norton and Mrs C Collis, Ward Members, provided written statements which were read out by the Chairman

d) Application 21/00471/FULL - Erection of new reinstated stone wall and entrance gates and retention of part of rebuilt stone wall at The Deer Barn, Hockworthy, Devon.

The Principal Planning Officer explained that the wall to the north was in the garden of the Deer Barn and permitted development would have allowed it without permission up to a height of 1m. As the wall, as built, was 1.45m permission was required.

The Officer outlined the application by way of a presentation which highlighted site plan, elevations, and photographs of the site as it was now and before the wall was built.

In response to public questions the Officer provided the following:

- The Council had no authority over the removal of banks in private gardens;

- Creation of gateways was dependant on use and what the proposal was for;
- It is for the Authority to determine if the proposal is acceptable;
- Retrospective applications were allowed to rectify any issues and enforcement was always a last resort.

Consideration was given to:

- The views of the objector who stated that his concern was the north end of the wall and the removal of the hedge in a conservation area;
- The views of the agent that permission was being sought to retain a wall that had been built to rectify a stone boundary wall collapse as a result of ash trees having to be removed and that the new wall was on the same footprint using the same local stone. There had been no harm created upon heritage assets and the Conservation Officer had found the proposal acceptable;
- The views of the Ward Members who had concerns that residents believed the removal of the hedge had an impact on biodiversity. Members should give attention to the views of both objectors and supporters;
- The views of Members who felt that the wall was in keeping with the local landscape, local stone had been used and the wall itself would create a biodiverse impact.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr E J Berry and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had a friend with holiday lets in the area;
- iii.) Richard Hughes spoke as the objector;
- iv.) Naomi Jackson, the agent, provided a written statement which was read out by the Chairman;
- v.) Cllrs J Norton and Mrs C Collis, Ward Members, provided written statements which were read out by the Chairman

e) Application 21/00461/FULL - Erection of extensions to existing agricultural storage building 660sqm at Land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine.

The Area Team Leader informed Members that a further letter had been received from the CPRE which had been circulated to Members and was before them as part of the update sheet.

The Officer outlined the application by way of a presentation which highlighted site location and block plans, position of recently approved agricultural workers dwelling and photographs of the existing barn.

Consideration was given to;

- The views of the objector who stated that there would be up to 250 animals on site and he had concerns with the number of animals and the available land open to the applicant and concerns about animal density, pollution and waste;
- The views of the agent who stated that the application was supported by Natural England who had provided funding towards the development;
- The views of Members that comments from the Parish Council had not been provided;
- The views of Members that although the late letter from the CPRE had been summarised in the update sheet a full copy had not been provided to Members;
- The views of Members that a full final statement from Public Health had not been made available to them;
- The views of Members that they were unable to make a decision without all the information in front of them;

The Interim Development Management Manager explained to Members that late information was quite common with planning applications and that the Officer had provided them with a verbal update summary where written statements and representations had been received after the agenda had been published. He felt that Members had before them enough information to be able to make a decision.

It was therefore **RESOLVED** that: A decision on the application was deferred to enable the late information received to be included within a revised officer report so that Members could make an informed decision. The additional information requested were:

- The Parish Council response
- The latest Public Health update
- The full contents of the late letter received from CPRE

(Proposed by Cllr C Eginton and seconded by Cllr F W Letch)

Reason for the decision: Members felt that they did not have the full information to make an informed decision.

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had been involved in the case at a Parish level and chose to leave the meeting and did not take part in the debate or the vote;
- iii.) Brian Thompson spoke as the objector;
- iv.) Simon Archer spoke as the agent;
- v.) The following late information was provided;

13.07.2021

1. One additional letter of objection received from Devon CPRE who raise concerns to the justification for the proposed building in terms of need and scale in the open countryside location, noting that the proposal is not supported by an independent agricultural appraisal nor a landscape impact assessment, to robustly support what would be an incongruous development in the rural landscape.

f) Application 21/00709/FULL - Change of use from public house (sui generis) to offices and canteen facility (sui generis) at Buccaneers Bar, 3 Cinema Buildings, East Street.

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, aerial photographs, block plan and parking layout, google street view and photographs of the interior.

The Officer advised Members that an Asset of Community Value had been listed with the authority but it had yet to be validated and would take up to 8 weeks to be confirmed. It had no material impact on the application before Members.

In response to public questions the Officer confirmed that consideration had been given to the viability of the existing business.

Consideration was given to:

- The views of the objector who stated that the bar was unique and was a purpose built entertainment centre. It held up to 170 people standing and offered good disabled access. That the Dairy did not need a canteen and they had groups who were keen to use the venue on the future;
- The views of Crediton Dairy who stated that their business processed 1% of the UK's milk supply and they put £40m into the local economy. They were a one site business and most of the staff lived locally. They needed a modern canteen to cater their highly skilled staff and had not been able to secure an alternative site in the proximity of the Dairy;
- The views of the Town Council who supported the Asset of Community Value. It was a great auditorium and a great location which would give opportunities to youth musicians. The local Arts groups had agreed it was an asset and the Dairy would expand anyway;
- The views of Members familiar with the venue who stated that the business had not been viable for many years;
- The views of Members that the Dairy should be supported to expand and invest in Crediton.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr L J Cruwys)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr S J Clist requested his vote against the decision be recorded;
- iii.) Helen Tuffin spoke as the objector;
- iv.) Phil Cork, Crediton Dairy, spoke in support;
- v.) Cllr Brookes-Hocking spoke on behalf of the Town Council;
- vi.) The following late information was provided:

9th July 21

1. Condition 3 is amended to reflect the updated drawing received and should now read as below. The parking plan has been amended to accommodate a total of 48 spaces including two disabled spaces. This is an increase of 18 from the existing provision, compared to 15 as previously proposed and set out within the officer report.

3. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional parking spaces in accordance with the details as shown on drawing number PIN 1032-50.

13.07.21

1. Condition 3 is amended to reflect the updated drawing received and should now read as below. The parking plan has been amended to accommodate a total of 48 spaces including two disabled spaces. This is an increase of 18 from the existing provision, compared to 15 as previously proposed and set out within the officer report.

(condition 3 has been further amended since the update last week)

3. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional parking spaces in accordance with the details as shown on drawing number PIN 1032-50. Once provided, the additional parking spaces shall be made available for use at all times by occupiers of the proposed office/canteen use of the site and retained as such thereafter.

2. Committee are advised that an application has been submitted to the Council to seek to list the site as an asset of community value (ACV). As of 13/07/2021 discussions with the Economic Development Team have confirmed that the application is not yet valid. Once validated, it would be subject to a consultation period before a determination is made as to whether it should be listed as an ACV. Guidance on the ACV process states that it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration, taking into account all the circumstances of the case. The provisions do not place a restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. On this basis, and as the site is not currently listed as an ACV, it is your officer's view that the intention to seek to list the site as an ACV would not have a material impact to the assessment set out within the officer report at this stage and it is recommended that planning permission should be granted. Notwithstanding the committee decision as to whether planning permission should be

granted, the ACV process may at a later date have implications if the owner seeks to dispose of the site.

48 TREE PRESERVATION ORDER - 21/00002/TPO - 13 The Oaks, Yeoford, Crediton, Devon (4.08.12)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration with regard to an application for a Tree Preservation Order 13 The Oaks, Yeoford, Crediton, Devon.

The Planning Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the trees.

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr C J Eginton and seconded by Cllr B Holdman)

Reason for the decision: As set out in the report.

Notes:

- i.) Cllrs E J Berry and S J Clist requested their vote against the decision be recorded
- ii.) *Report previously circulated copy attached to the minutes.

49 Application 19/01679/FULL - Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure. (4.12.46)

The Committee had before it a report of the head of Planning, Economy and Regeneration regarding the above application. At the Planning Committee Meeting on 31st March 2021 Members deferred a decision on the above application in order that a site visit take place and officers provided responses to a number of questions raised.

The Interim Development Management Manager then provided responses to questions previous posed by Members which were set on the annex of this report.

The Officer then went on to outline the conditions agreed with the developer which would mitigate the impact of the development and gave detailed explanations of what the conditions were for and how they would be monitored.

In response to public questions the officer stated:

- Officers did not ignore the Wildlife Trust, revised condition 12 specifies regular monitoring
- He could not comment on Members reading objections, these were available to Members via the Planning Portal
- They are aware of the nearby solar farm but it is on a case by case basis and we must determine the application before us

- The flood defences are required to be maintained and are monitored by way of a condition so if there is a failure it would need to be resolved
- The Deer migration routes would be monitored by way of revised condition 12
- Energy storage capacity of batteries has been covered in the report
- The developers would need to clarify what operations would be happening at night and what happens when the panels are not generating solar energy
- The specific benefits of energy to 10k homes is dependant on the range of the installation
- The fire service was not consulted on any potential fire hazard as they are not a statutory consultee but they would be consulted as part of a building regulations approval
- Forced labour was not a planning issue and we cannot impose a condition for non planning matters
- Landscaping has been dealt with in additional condition 22
- Soil degradation and decommissioning needs to be done with care and is covered by condition 4 and does not mean that it will refer to a brown field site in the future
- Fixture and fittings must be removed once operations on site ceases
- There is no a condition for employment opportunities as such a condition would not pass the 6 tests

The Officer then reminded Members of the application by way of a presentation which highlighted the site location plan, revised site plan, photographs of various locations around the site and additional viewpoints.

In response to Members questions about the District being close to saturated with solar panels the Officer explained there was no cumulative impact of a number of sites and that each application had to be determined in its own right.

Consideration was given to:

- Members concerns with who would monitor all the conditions;
- Members concerns with who would compensate people living nearby;
- There was no upper limit quota prescribed by the Government for the number of solar panels installed in Devon;
- Members concerns with how long the batteries lasted and the lifetime of products was not known;
- Members concerns that there were too many conditions which required further LPA approval and that Councillors should have input in agreeing the final finishes
- The views of the objector who stated that Members could refuse the application on local landscape, substantial harm to listed buildings, loss of agricultural land, limited information of storage capacity and no lifecycle analysis had been provided;
- The views of the agent who stated that the proposed development was acceptable to the local plan and planning policies and that it aligned to the Council's commitment to Carbon reduction. The site would still remain in agricultural use and would provide green electricity for 10k homes within the District

- The views of some Members that the Council had made a commitment to its residents that it would sign up to Climate Change and reduce dependence on fossil fuels. Schemes like this would benefit our children and grandchildren;
- The views of some Members that agricultural roofs should be utilised first;
- The views of some Members that the site was rambling, was close to another solar farm application and it was oversized;

It was therefore **RESOLVED** that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Adverse impact on the landscape;
- Adverse impact on the Grade 2 Langford Court;
- Additional loss of ~~high-grade~~ agricultural land (amended when the minutes were brought back to the Planning Committee on 8 September 2021, the amendment to this minute was initialled by the Chairman)

(Proposed by Cllr C J Eginton and seconded by Cllr B G J Warren)

Reason for the decision – No decision was made the decision was deferred for an implications report.

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllrs Mrs F J Colthorpe, E J Berry and P J Heal requested that their vote against the decision be recorded;
- iii.) Dr Philip Bratby spoke as the objector;
- iv.) Mark Herbert spoke as the agent;
- v.) The following late information was provided:

19/01679/MFUL - Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure - Land at NGR 303437 103555 East of Langford Mill & Tye Farm Langford.

14th July 21

UPDATE SHEET LIST OF CONDITIONS FOR LANGFORD SOLAR FARM

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity

network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

4. Within 3 months of the solar array permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition in accordance with details to be submitted to, and approved in writing by, the local plan authority prior to these works being carried out

5. The Solar PV Panels hereby permitted shall not be erected until samples of the materials to be used in the construction of the solar panel array have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter

6. The site access roads shall be in a sound bound material for the first 20.00m back from its junction with the public highway and drained to prevent no surface water onto the public highway. The site access roads shall be hardened, surfaced, drained and maintained thereafter hardened, surfaced, drained and maintained thereafter.

7. Visibility splays shall be provided, laid out and maintained for that purpose at the primary site access where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.0 metres in a southern direction and as identified on the access plan in the other direction.

8. Visibility splays shall be provided, laid out and maintained for that purpose at the other site accesses in accordance where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 33.00 metres in on coming direction and 33.00 metres to the centre line in the offside direction.

9. No other part of the development hereby approved shall be commenced until the until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

10. No development shall take place until off site highway condition surveys have been undertaken and the details submitted and approved in writing by the Local Planning Authority in liaison with the Local Highway Authority.

11. No development shall take place until:

EITHER

- i) A programme of archaeological work has been carried out in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. OR
- ii) A construction methodology for the development that avoids any below-ground impact within the area of Archaeological sensitivity in the vicinity of the 7th/8th century iron furnace has been submitted to and approved in writing by the Local Planning Authority.

12. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures, in accordance with the recommendations of the submitted documentation:

- (a) The Biodiversity Management Plan by avian ecology v4 (Dated 20/07/2020), has been submitted to and approved in writing by the Local Planning Authority.
- (b) The Biodiversity Enhancement Note and Addendum Note Dated 3/12/2020)
- (c) The updated Site Layout Plan

Notwithstanding the details included in the above documentations, the details shall include the details to be submitted including planting plans, specification of species, sizes, planting centres, number and percentage mix and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved plans and details.

13. The Solar PV Panels hereby permitted shall not be erected until details, on a suitably scaled plan, of the soft landscape works have been submitted to, and approved in writing by, the local planning authority. The details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved details.

14. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the erection of the panels, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

15. The Solar PV Panels hereby permitted shall not be erected until the full details of the works to the hedges including species adjacent to the residential properties, as shown on Figures 11 and 12 of the Glint and Glare Study Page Power Ltd v 4 dated 16th August 2019, have been submitted and approved in writing by the Local Planning Authority. The works be carried out in the first planting season after the written approval and thereafter retained and maintained.

16. The development hereby approved shall not be brought into use until the surface water drainage arrangements have been provided in full, in accordance with details which shall previously have been submitted to and approved in writing by the Local

Planning Authority. The approved measures shall thereafter be retained for the life of the development.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report v5 prepared by Calibro, and issued on 30th November 2020, including the level for floodplain compensation outlined in paragraph 7.6.6 of the FRA. The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements detailed within the Flood Risk Assessment. The approved measures shall thereafter be retained for the life of the development.

18. No development including any site clearance or groundworks of any kind shall take place within the site until a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed scheme.

19. No external form of illumination of the site shall be undertaken other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits.

20. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.

21. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of wheel washing facilities and road sweeping measures with the respective obligations
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (l) Details of the amount and location of construction worker parking.
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

22. No development shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted and approved in writing by the Local Planning Authority. This plan shall provide details of the following:

- a) Retained Ecological and Landscape features
- b) Proposed habitats Ecological and Landscape Features
- c) Habitats and Landscape Management Measures
- d) Monitoring and Review of Plan

The development shall not be carried out other than in complete accordance with the approved details

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To establish the commencement date for the 40 year operational life of the solar farm.
3. For the avoidance of doubt and in the interests of proper planning.
4. For the avoidance of doubt and to establish the duration of the planning permission and in the interests of the visual appearance of the landscape once the plant is redundant in accordance with policy DM2 of the Mid Devon Local Plan 2013 - 2033.
5. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
6. To prevent mud and other debris being carried onto the public highway.
7. To provide adequate visibility from and of emerging vehicles.
8. To provide adequate visibility from and of emerging vehicles.
9. To ensure that adequate facilities are available for traffic attracted to the site.

10. To minimise the impact of the development on the highway network in accordance with the National Planning Policy Framework.
11. To ensure, in accordance with EITHER (i) policy DM25 of the Mid Devon Local Plan 2013-2033 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development or (ii) in accordance with policy DM27, the preservation in situ of heritage assets.
12. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
13. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
14. In the interests of the visual amenity of the area and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
15. To protect the amenities of the adjoining residential properties and in accordance with policy DM2 of the Mid Devon Local Plan 2013 - 2033.
16. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.
17. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.
18. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.
19. To minimise light pollution in this rural area and in the interests of biodiversity and ecology, in accordance with policies S9 and DM2 of the Mid Devon Local Plan 2013 - 2033.
20. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
21. To minimise the impact upon the highway network and the neighbouring residential properties during the construction period
22. In the interests of the visual amenity of the area in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013-2033.

1. Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

As a renewable energy facility, the proposal's location within the countryside is acceptable in principle according to policy DM2 of the Mid Devon Local Plan 2013-2033. The limited visual harm that the proposal would give rise to would be outweighed by the environmental benefits of allowing it. It is considered that the proposal would not result in unacceptable harm in terms of local and residential amenity; highway safety; surface water drainage arrangements; flooding risk; ecology or in relation to the availability of agricultural land.

Withdrawn objection

I am writing to you ahead of the planning committee tomorrow in relation to the proposed Langford Solar Farm (19/01679/MFUL). I felt it is worth noting to members that whilst I originally objected to the scheme due to concerns over potential impacts on my business, I have since worked closely with the Applicant JBM Solar and they have agreed to implement a number of mitigation measures including compensation in order to minimise disruption to my business. As a result I no longer have any objection to the scheme and consider that all of my concerns have been addressed.

Kind regards,
John Pitson,
Yarak birds of prey

50 MAJOR APPLICATIONS WITH NO DECISION (5.23.14)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

Note: *List previously circulated; copy attached to the minutes

(The meeting ended at 8.00 pm)

CHAIRMAN