

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 31 March 2021 at 10.30 am

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
G Barnell, E J Berry, Mrs C P Daw,  
L J Cruwys, C J Eginton, S J Clist,  
F W Letch, D J Knowles, R F Radford and  
B G J Warren

### **Also Present**

#### **Councillor(s)**

R M Deed

### **Present**

#### **Officers:**

Eileen Paterson (Development Management Manager), Jake Choules (Planning Assistant), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## **141 APOLOGIES AND SUBSTITUTE MEMBERS (04.08)**

There were no apologies or substitute Members.

## **142 REMOTE MEETINGS PROTOCOL (04.18)**

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

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

## **143 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (04.32)**

Cllr R F Radford declared a personal interest as some of the applicants were related to him. In the circumstances he stated that it would be difficult to justify that his decision was not influenced by this, and as such was choosing to not participate in the debate or vote on the decision and would leave the meeting, which he then did.

## **144 MINUTES OF THE PREVIOUS MEETINGS (06.19)**

The minutes of the meeting held on 10<sup>th</sup> February were agreed as a true record.

The minutes of the meeting held on 10<sup>th</sup> March remained in draft and were not approved until specific questions submitted by Members were addressed.

## **145 PUBLIC QUESTION TIME (08.20)**

All the questions for the meeting referred to Item 7 (the construction of Ground Mounted Solar PV Panels at land at NGR 303437 103555 East of Langford Mill and Tye Farm, Langford).

Mrs Jan Jones asked if the committee if they had carried out a site visit and secondly why has the description of the proposed development missed the most important aspect of the proposal, namely the sheer size of the development plus 4 miles of security fences and CCTVs going against the Council's supplementary planning document which states that this area has a high sensitivity to solar development to over 37 acres. The panels will come from China, hardly carbon neutral and there will be a considerable amount of infrastructure contained in unsightly containers and a battery substation occupying over 1 acre of land. Is there an agenda to keep this industrial nature of this proposed solar installation from the members of the committee? Do the committee realise that part of the site is in flood zones 2 and 3 which has a medium to high probability of flooding. Do they believe that all of this infrastructure and new drainage ditches and swales will not affect downstream flooding. Photos have been submitted to show the effect of the flooding on the Plymtree Road and the weak bridge over the River Weaver, why are these not mentioned in the officer's report? Finally, can I ask, if this application is approved, can you honestly tell me if this huge solar installation is worth the destruction of 152 acres (60 ha) of our beautiful Devonshire countryside, for the sake of a minute 0.01% of electricity in the UK.

Mr Mike Jones asked are the members of the committee aware that there will be considerable cumulative impact with adjacent solar farms and that the landscape of this part of Devon will become an industrialised grey solar farm landscape. Are you also aware that there are proposals for another solar farm a Clyst Hydon which at its nearest point would only be 1.2 km from this one, no doubt they will end up connected at some time in the future? Page 21 of the officer report states that there were 136 letters of representation and that only 36 were objections, this is wrong. There were 126 objections letters, one of which was subsequently withdrawn, in fact there were 125 objection letters, there was also a petition submitted with around 70 signatures which conveniently wasn't mentioned. The objection that was withdrawn was done so following a payoff to the person involved which I reported to the Planning officer. Given that the 125 objection letters contained a lot of detailed evidence, why in a 36 page report has their content be diminished to half a page of bullet points which has ignored much of the valid evidence, why has all this evidence been conveniently ignored by the officer.

Mrs Mandy Willis stated that she and her husband lived at 5 Langford Green Cottages and asked whether members of the committee were aware that the proposal is directly adjacent to the boundaries of residential properties including hers. This is severely detrimental to the value of these properties and to the enjoyment of our back gardens and what is currently beautiful rural views, notwithstanding the glare and noise affecting the same residents some of whom are night shift workers, we would question the strength in boundary hedges to 3 metres in height to even be sufficient. Why have some residents properties in Langford Green namely numbers 6-8 been considered and therefore have no panels in the fields bordering their gardens and yet the next field along is deemed acceptable to have panels directly against our property boundaries. Considerable mention is also made in the agenda document with regard to the Grade II listed property at Langford Court by both Historic England and the Conservation officer. During the planning process for the renovations to our cottage, at Number 5, during 2017 the Conservation Officer rejected our plans stating that these properties were considered important unlisted assets as a group. We would ask that on this basis there are clearly grounds that and

I quote the proposal would result in registrable harm to the significance and setting of these 8 cottages as well as Langford Court previously considered to be important unlisted assets as a group. We would strongly urge members of the committee to consider that this field should be removed from the proposal entirely should it be accepted.

Mr Martin Willis asked if the members of the committee were aware of the flooding experienced by the residents of Langford Green at the end of their gardens directly adjacent to the field proposed to contain these panels. I ask you to refer to the photos and video evidence previously submitted for your view and consideration. For our concerns that further development in the adjacent field to our property will further exacerbate this issue, we strongly urge the members of the committee to consider that this field should be removed from the proposal entirely.

Mr Smith asked is the committee are aware of the detrimental proposal on the landscape and neighbours residential amenity and other factors remain constant for the lifetime of the solar farm for at least 2 generations whilst the insignificant benefit of electricity generation to the grid is an inverse proportion to the demand. For example the highest output will only happen at midday in high summer at a time of lowest demand, conversely, there will be no output whatsoever at night and extremely low output on cold winter days when demand is at its greatest. To make it clear, are you aware of any perceived benefit that is far outweighed by the detriment of the project. Given that the proposed solar farm would be located in an area deemed to be unsuitable for large solar farms and on a flood plain, are the members of the committee aware that if this proposal is permitted, a precedent would have been set, that the rest of Mid Devon will be considered by developers to be suitable for a range solar farms and it will be open season for developers.

Mr Matthews stated that we are told that the capacity of the solar farm will be limited to exactly 49.9 megawatts which raises suspicions from myself. We are told that the battery storage facility will consist of battery units housed in shipping containers plus storage containers and a inverter cabin. What I am unable to find in this information is the capacity of battery storage facility, can someone tell me what the total storage capacity of the batteries will be limited to in megawatt hours and if not why has this crucial detail been omitted from the documents. As we should all know by now, this is not a typical solar installation, it is one of the largest in Devon, if not in the UK, it covers over 150 acres of farmland and has 4 miles of boundaries and is 1 mile in length. This land as we know is sensitive to wildlife habitats and will be seen from miles around, not to mention the key point that it is already prone to flooding. Given that such an installation will be in place for the next 40 years, who or what body will be responsible to ensure that all these unique points around boundary management and wildlife protection, flood mitigation etc will adhered to and who exactly will be responsible to deliver on these unique commitments over the next 40 years and what would be the consequences be should any of these commitments not be adhered to, especially with regard to flooding control, wildlife habitat, preservation and boundary management. I would also like to know who would be responsible in 40 years' time for the deconstruction and safe disposal of 110,000 panels, what assurances would be in place.

David Withstanley, asked how is the Council going to guarantee that if you grant planning permission for the solar farm, all the equipment will be removed after 40

years and the land will be cleaned up and restored to full agricultural use, what would happen if the owner goes bust?

Mr Harwood raised concerns with regard to the size of the proposed site about 150 acres and 17 fields, over a mile long. Are the committee not concerned about the super size of the proposed site and if approved will it just set a precedent or indeed a further precedent, gradually turning the whole area into one gigantic solar farm stretching for miles and is that not more of a strategic question, not just the adding of one after the other fairly close to each other.

Claire Fry asked whether the committee were aware that solar panels contain many toxic substances such as cadmium. With over 110,000 panels many of them will inevitably degrade or become damaged over a period of 40 years, how will these toxic substances be prevented from escaping and contaminating the soil and water courses?

Cora Winterson stated that I believe the plan was to graze sheep under the solar panels, the flora would inevitably change over the time due to the lack of sunlight and the change of use of the land, how feasible would this be in the long term? How would weed control be managed, as this is a very large area to be managed and the spraying of the weeds would enter the watercourse? Have the developers revised a detailed and realistic forecast of what the solar farm is likely to generate under the different conditions and if so what model has this been based on and if the solar farm was to be approved, what would its ongoing energy contribution and efficiency be, and would that be public knowledge?

Sally Matthews stated that it is reported that the Environment Agency's consideration is that a solar installation should be considered as essential infrastructure, however the Environment Agency has no expertise or authority in this area; whereas the relevant authority, the National Infrastructure Commission has not declared solar installations to be essential infrastructure. Why therefore has the report taken the position that the solar installation is essential infrastructure?

Heather Wheeler stated that the applicant has made biodiversity enhancement a major selling point, why then is it not a formal condition of approval that the biodiversity management plan includes for example the following: fire ground preparation by means of deep digging, avoidance or minimal use of herbicides and most importantly the prior appointment of involvement throughout of an experienced habitat restoration ecologist as recommended by Devon Wildlife Trust?

Mr Gill stated that East Devon District Council will shortly be considering planning for another 158 acre site within 1.2 km of the proposed site at Langford, I am not sure how joined up you are with East Devon but it seems now that the 2 wards are going to be surrounded by solar panels, so if you are not aware, I would like to make you aware of that. Do any members of the committee live in sight of the area and I would ask them what their position would be if it were to be in their back garden. What value land has this been assessed as, as it is being cultivated at the present time, there is nature, deer, munch jacks and roe, as well as rabbits etc, so there is going to be a direct rural impact to our countryside in what is going to be a 4 mile by 1 mile swath of solar panels, there is also another solar farm just at Westcott. What guarantees can you give, for when they reverse this process? If this is granted, you should not underestimate the impact on the local community of having what would

eventually be 4 miles of fencing and look like HM prison, with a load of containers inside it. Why are we even considering putting this into greenbelt land and not into brown belt land.

Mr Sykes stated that we have almost a perfect storm as residents in this area of the fablink at Broadclyst and the surge in capacity of the grid, the ever falling solar costs and that these were not aware of at the time when the main plans were put together for East and Mid Devon and in fact these are constantly evolving. My concern is that the greenfield sites are those that are the most profitable for the developers to install solar installations and with the increase in capacity and the decrease in solar costs, the profitability is only going to increase as is the temptation to build on land to make the most of opportunities that are available to them. We need to step back and take a look at this at a more macro level rather than an individual swath of 49.9 megawatt applications that will completely change the nature of Mid and East Devon and I think that this needs to be considered at a high level. There will be ongoing disruption to the community and the small roads and lanes that make their way through it with regard to the erection of these schemes one by one, after another. There will also be a loss of jobs, there will be construction jobs, but these will be people coming from outside the area who just travel around working on solar installations, there will be a loss of permanent farming jobs replaced by solar panels. The sites will sit here for 40 years, there will be a loss of farming expertise, generations will be taken out from farming and when the panels are restored to their pre-agricultural use, who will farm this land?

#### 146 **CHAIRMAN'S ANNOUNCEMENTS (35.24)**

The Chairman reminded Members that the next meeting of the Planning Committee would be held on 14<sup>th</sup> April 2021.

#### 147 **APPLICATION 19/01679/MFUL - CONSTRUCTION OF GROUND MOUNTED SOLAR PV PANELS TO GENERATE UP TO 49.9MW (SITE AREA 60.78 ha) AND BATTERY STORAGE FACILITY TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE - LAND AT NGR 303437 103555 - EAST OF LANGFORD MILL AND TYE FARM, LANGFORD.**

The Committee had before it a report of the head of Planning, Economy and Regeneration regarding the above.

The Development Management Manager outlined the contents of the report by way of a presentation which highlighted the site boundary, site layout, photographs of the approximate site extent, current viewpoints and photomontage views.

The officer stated that the site would consist of 91k solar panels and described the orientation of the panels. She informed Members that there were 3 access points and that during construction of the site there would be 6 daily deliveries to the site which would unload at Tye Farm and the materials taken over the weight restricted bridge by smaller vehicles.

She explained that an area in the middle of the site would not have any solar panels after discussions with the Environment Agency regarding the risk of flooding. The application stated that sheep would continue to graze on the site and that screening



of up to 3 metres in height would be provided at the south west of the site to shield neighbouring properties.

The officer then provided the following responses to questions from members of the public:

- No site visit had taken place due to the pandemic restrictions
- The flood zoning had been mentioned in the report
- The Environmental Agency were statutory consultees
- Advice had been sought with regard to the flood risk from the Environment Agency and the LFA
- The farmland would not be destroyed and the land would still be used for farming in some form
- Council policy was to summarise objections in reports but the full submissions were available to view on the website
- Property values were not a material consideration
- Glare from the panels would be dealt with by landscaping
- There had been no discussion about other properties or sites
- It was not within the remit of the Planning Authority to remove parts of the site from the application
- Developments in technology had seen solar farm lifespans increase to 40 years
- The application included battery storage so that power could be released into the network at peak times
- The total storage capacity of the battery units were not known to planning officers
- The developer and operator were responsible for the biodiversity plan
- The developer was responsible for the removal of the equipment after 40 years
- Conditions had been included to enforce the removal of the equipment after 40 years
- There was no precedent, each application had to be determined on its own merits
- Solar panels were predominately glass and silica and if they failed would be replaced by the operator
- The Grazing of sheep under the panels was feasible and a biodiversity plan had been submitted by the applicant with regard to the control of weeds on the site
- The National Infrastructure Group had not been involved in the application
- The biodiversity plan stated there would be an ecologist on site during construction
- Minimal use of pesticides could be conditioned
- Loss of agricultural land was mentioned in the report however the site was not prime agricultural land
- At the end of 40 years all equipment must be removed and the land returned for agricultural use
- There were not sufficient brownfield sites to accommodate the size of the development proposed
- Officers had acknowledged that the proposed solar panels would change the view of the landscape and the Local Planning Authority would need to determine if this was acceptable

- The owners would continue to farm the land

The officer then provided responses to questions asked by Members:

- Officers felt the conditions were feasible and could be enforced
- Bradninch and Cullompton Town Council's had objected to the application in their latest submissions
- The impact of solar glare would be mitigated by landscaping
- The applicant could lodge an application to extend the lifetime of the site beyond 40 years and this would need to be determined on it's merits at the time
- It was possible that as technology developed that there would be an increase in applications to extend the lifespan of solar developments
- There was no evidence that solar panels caused any additional harm to human health than domestic appliances
- There was a biodiversity management plan and the applicant was developing a skylark habitat
- Screening had been completed and the Environmental Agency's response had been provided
- No Environmental Impact Assessment had been completed
- The applicant had considered habitat regulations in biodiversity in the application
- The agricultural land on the site was predominately a mixture of Grades 3b, 4 and 5 which ranged from moderate to poor quality
- Officers had considered the noise generated from the operation of the panels and not the effect of heavy rain falling on them
- The Highways Authority advice that the access should be in sound bound material for the first 20 metres had been noted
- The collection of business rates was not relevant to the application
- The development would bring jobs into the District and would allow the Council to support carbon neutrality
- The Conservation Officer and Historic England's comments that the development would result in considerable harm were still valid and the report offered a balanced view but it was down to Members to decide what weight to attribute to them

Consideration was then given to:

- The views of the objector who stated that this would be the largest solar farm in Devon and possibly the country. The proposed capacity of 49.4MW was a ploy by the developer to avoid scrutiny and a decision by the Secretary of State for installations over 50MW. Solar panels were not essential infrastructure and that the development offered no benefit to the people of district and there would be no emission reductions
- The views of the agent who stated that they had a proven track record in capital investments and that the development would provide substantial benefits. They had secured an agreement to export all power to the national grid and the UK was legally obliged to be carbon neutral by 2050. The development would meet the demands of 30k homes across Mid Devon and provide a reduction of 20k tonnes of carbon annually. The development was

using the lowest grade of agricultural land and they had addressed the concerns of the local community and businesses

- Members views that they were not in a position to make a decision because there were many questions that had not been answered
- The amount of conditions proposed and whether these could be enforced
- The negative visual impact of the development
- Sheep could graze under the panels but native deer could not
- Members concerns with making a strategic decision without being able to further question the evidence provided
- The unknown impact of deconstruction of the site in 40 years time and the impact on ancient trees
- Concerns that there was no clear idea of the green credentials of solar panels and that new technologies were being developed which could make them redundant in a relatively short time
- Further information was required on the biodiversity plan, impact on ancient trees and the tree management plan
- The Management Plan did not give confidence to Members and the ability of the Council to enforce it
- Members views that the application had already been going on for 16 months and could not be determined without a physical site visit by Committee

**RESOLVED** that the application be deferred for a Full Committee site visit to be undertaken and returned to committee accordingly with further information to come forward within a report to include the environmental impact of the application, details of the biodiversity plan, land management, mitigation of flood risk and the shielding of the site. Members were also requested to inform the Development Management Manager of any further information they would like included in the additional report by Friday 9th April 2021.

(Proposed by Cllr C J Eginton and seconded by Cllr L J Cruwys)

**Reason for the decision** – For Members to be comfortable that they had enough information to be able to make an informed decision on the application

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, Mrs C P Daw, L J Cruwys, C J Eginon, S J Clist, F W Letch, D J Knowles and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors, applicant and developer
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as one of the objectors was known to her
- iii.) Cllr B G J Warren declared a personal interest as one of the objectors was known to him
- iv.) Dr Bratby spoke as the objector
- v.) James Walker spoke as the agent
- vi.) The following late information was reported:

The first comment from Cullompton Town Council is dated 25th October 2019



Proposed amendments to Conditions if approved:

Condition 4 – First line to read

Within 3 months of the solar array permanently ceasing to be used .....

Condition 10 to read

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

Condition 20 – First line to read

Prior to the commencement of development a Construction Environmental Plan .....

(The meeting ended at 12.37 pm)

**CHAIRMAN**