

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 22 September 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, 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 and B G J Warren

Present

Officers:

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Interim Development Management Manager), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Myles Joyce (Consultant Development Management Manager), Jake Choules (Planning Assistant), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

90 **ELECTION OF CHAIRMAN**

Councillor L J Cruwys **MOVED**, seconded by Councillor E J Berry that Councillor P J Heal be elected Chairman of the Planning Committee for the remainder of the municipal year.

As there were no other proposals, Councillor P J Heal was duly elected Chairman of the Planning Committee for the remainder of the municipal year.

91 **APOLOGIES AND SUBSTITUTE MEMBERS (00-02-10)**

There were no apologies for absence.

92 **PROTOCOL FOR HYBRID MEETINGS (00-02-22)**

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

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

93 **MINUTES OF THE PREVIOUS MEETING (00-02-32)**

Subject to an amendment to the title of the 4th speaker in public question time – removing ‘Mr’ and replacing with ‘Dr’, the minutes of the meeting held on 8 September 2021 were agreed as a true record and duly signed by the Chairman.

94 **PUBLIC QUESTION TIME (00-07-41)**

Mr Matthews referring to Item 10 (Langford PV Solar Array) on the agenda stated that: The officer states the supposed benefits to the local population. But there are none. Most of the money will be spent in China and specialist contractors will be brought in to do the work. Do you agree that there will be very few, if any, local jobs, that there will be a loss of agricultural land and farming, a loss of our beautiful landscape, a loss of tourism, wildlife disruption, and an impact on deer?

Mr Matthews (speaking on behalf of his wife) and again referring to item 10 asked: Do you agree that poor quality, low nutritional grass and weeds will grow under and between the solar panels and that, as experience has shown, sheep grazing will not be continued and in fact grass mowing and use of herbicides will become necessary? Photos showing sheep in solar farms are just for propaganda purposes.

Dr Bratby again referring to item 10 asked 2 questions:

1. Can you provide an update on the investigation into how the two words "high grade" appeared in the minutes of the meeting of 14th July?
2. The Implications Report gives a warning about the implications for Mid Devon District Council of an appeal if the committee refuses this application. Are you aware that Devon CPRE has considerable experience at appeals, whether by public inquiry, hearing or by written representation and Devon CPRE would support MDDC in the event of an appeal?

Mrs Wheeler referring to the same application stated: In its submission of November 22nd 2019 Devon Wildlife Trust (DWT) recommended to guarantee bio diversity impact and soil improvement a fully qualified habitat restoration ecologist should be involved throughout. Mid Devon’s welcome conditioning of an ecological clerk of works does not of itself meet that criterion. Can we be assured that should the application be accepted DWTs specific stipulation will be adopted and if not why not?

Mr Roland Smith referring to the same application stated that: We are all very well aware of the current energy crisis, which stems from gas price hikes and an increasing reliance on gas-fired power stations to cover for the poor performance of unreliable renewables such as wind and solar. Do you not consider it madness to build more solar farms and make the energy crisis in the future even worse?

The report states “The social and economic benefit of providing for the average electrical needs of 10,077 homes in the Mid Devon area. Do you not agree that this is not true as the solar farm will be supplying to the distribution network, not specifically to Mid Devon? It will contribute to the national demand for electrical energy to the paltry extent of 0.016% of average demand and absolutely zero after sunset when demand is at its highest?

A question asked before but which remains unanswered: can you tell us why the Officer maintains that the development will cut greenhouse gas emissions when a life cycle analysis has not been performed when the mining, manufacture and transport of panels from forced-labour factories in China will produce huge emissions of carbon dioxide.

Mrs Janice Jones referring to the same application stated:

Langford Court is a Grade 2*, not Grade 2, listed building as stated in the Implications Report. Are you aware that a Grade 2* listed building is afforded great protection against visual impacts from a development?

The government has recently stated that it is concerned at the increasing loss of farmland and that with a rapidly expanding population we should be producing more food instead of importing food from countries which produce it using unsustainable methods? Do you agree that we should be using Mid Devon's farmland to produce top quality meat and dairy products rather than low grade energy such as solar power?

Mrs Jones asked a question on behalf of Mandy Willis: Did the committee ever carry out a site visit and are the members fully aware of the huge scale of the proposal and its visual impact on the landscape and surrounding properties?

Mr Michael Jones asked the following questions:

Do you realise that considerable maintenance of solar farms is necessary? This includes mowing the grass under and between the panels at least twice a year, applying weedkiller at least once a year to kill pernicious weeds and prevent scrub from growing, and cleaning the panels at least twice a year. Do you know that heavy machinery is required to carry out all this maintenance and that after 40 years of such activity the soil will be compacted and severely degraded?

I am sure the Committee members are aware of nearby solar farms at Westcott, Willand and Burlescombe which total 81 acres. There is another proposal for a 158 acre solar farm 1.2km away at Clyst Hydon. Are the Committee happy with another massive installation of 152 acres in Mid Devon with the potential of these areas being reclassified as a brownfield site in 40 years or less.

Mrs Winterson again referring to Item 10 on the agenda stated: Have the developers provided a detailed and realistic forecast of what the solar farm would likely generate under different conditions and if so what model is this based? If the solar farm should be approved would its ongoing energy contribution and efficiency be public knowledge?

The Chairman indicated that responses to questions would be provided when the item was debated.

95 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-20-55)**

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

96 **CHAIRMAN'S ANNOUNCEMENTS (00-21-03)**

The Chairman paid tribute to the outgoing Chairman and thanked her for her tremendous work as chairman of the committee and he was grateful that she had decided to remain as a member of the committee.

97 **DEFERRALS FROM THE PLANS LIST (00-21-55)**

There were no deferrals from the Plans List.

98 **PLANS LIST (00-22-00)**

The Committee considered the applications in the *Plans List.

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

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) ***Application 21/00787/FULL – Erection of 2 residential flats – adjacent to 24 and 24A Siddalls Gardens Tiverton*** be approved subject to the conditions as set out in the report.

(Proposed by the Chairman)

Note: Cllr L J Cruwys requested that his vote against the decision be recorded.

Reason for the decision – As set out in the report

- b) ***Application 21/00787/FULL – Installation of concrete ramp and railings to front access – 49 Bilbie Close, Cullompton*** be approved subject to the conditions as set out in the report.

(Proposed by the Chairman)

Reason for the decision – As set out in the report

99 **APPLICATION 19/01679/FULL - CONSTRUCTION OF GROUND MOUNTED SOLAR PV PANEL TO GENERATE UP TO 49.9MW (SITE AREA 60.78HA) AND BATTERY STORAGE FACILITY TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE - EAST OF LANGFORD MILL AND TYE FARM, LANGFORD (00-27-00)**

At the meeting of 14 July 2021, the Committee were minded to refuse the application and requested that an *implications report be produced to consider the reasons for refusal.

The Consultant for Development Management recapped on the history of the application and the previous reports that the committee had considered and the reasons for deferral. He requested that members consider the update sheet: the proposed amended reasons for refusal and a further representation.

He then supplied responses to questions raised in public question time:

- With regard to the investigation, this was ongoing and expected to be completed by the end of the month
- With regard to the CPRE offering assistance should an appeal be lodged, he thanked them but advised them as a third party they could apply to the Planning Inspectorate as a rule 6 party.
- With regard to the site visit – some members did visit the site and that all members had taken account of all the issues raised within the report and were familiar with the site
- With regard to the visual impact of the proposal, this had been addressed within the report
- With regard to sheep grazing – sheep did graze fields with PV arrays
- With regard to supposed benefits to the local population – the bullet points in the report covered all of the objections, however the officer had looked at the benefits as part of the planning balance
- With regard to the loss of agricultural land and whether farmland should be used to produce top quality meat and dairy products rather than low grade energy – he referred to the report and the high carbon footprint of meat.
- With regard to questions from Mr Smith, he stated that the application had been assessed in line with the latest planning policy and guidance and that the report highlighted the benefits of the proposal
- With regard to a detailed and realistic forecast of what the solar farm would likely generate in different conditions, this was not required in support of this application and for further information the applicant may be able to assist with this
- He informed the meeting all the other information requested was available within the report.

The officer then outlined the contents of the report highlighting by way of presentation the site location and layout of the proposal which included plans of the siting of the panels, and the plant and battery storage. He provided photographs from various aspects looking towards the site and existing and photomontage views of the site. He then outlined the 3 reasons for refusal outlined within the implications report and revised in the update sheet.

The officer then explained in detail the following:

- The possible adverse impact on the landscape, explaining the contents of the Landscape Visual Impact Assessment submitted by the applicant and how this had been considered against the Council's Supplementary Planning Document on Solar PV Developments in the Landscape (2016).
- The possible adverse impact on the Grade II* listed property - Langford Court and the response received from Historic England and the Conservation officer
- The additional loss of agricultural land, highlighting Paragraph 13 of the NPPG and policies S1, S9 and DM2 of the Local Plan
- In addition, the report also summarised public benefit of the scheme the planning balance- looking at both the benefits and disadvantages of the scheme.

Consideration was given to:

- Concerns with regard to social and economic benefits of the scheme
- Whether there really were employment opportunities for local people
- The responses of Cullompton Town Council
- The lack of analysis of the implications for refusal within the report
- Page 51 of the report which highlighted the reasons for deferral and the removal of 'high grade' from those reasons for deferral
- The lack of a layout plan for the containers and batteries area
- Whether there were any financial contributions to the local parishes as stated on page 55 of the pack
- Whether it was necessary to re-open the discussion on the application when members should be considering the implications report
- The need to include 'adverse impact on the landscape' within reason for refusal 1
- The lack of analysis with regard to the climate issues

It was therefore:

RESOLVED that planning permission be refused on the following grounds:

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual adverse impact on the landscape and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 174, 176 and 177 of the National Planning Policy Framework 2021.

2. The proposed development due to its scale, location and appearance would have an unacceptable adverse impact on the setting of the Grade II* Listed Langford Court, contrary to Policies S9 DM2 and DM25 of the local plan and the provisions of paragraph 199, 200 and 202 of the National Planning Policy Framework 2021.
3. The proposed development due to its scale and layout would result in the additional loss of agricultural land contrary to Policies S1 and S9 and DM2 of the Local Plan and paragraph 174 of the National Planning Policy Framework 2021.

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

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, 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 received correspondence from objectors to the application;
- (ii) Cllr R J Dolley declared a personal interest as he knew some of the objectors and others involved in the application;
- (iii) Cllr E J Berry declared a personal interest and he also knew people involved in the application and as the local DCC member for the area;
- (iv) Cllrs E J Berry, Mrs F J Colthorpe, Mrs C P Daw and P J Heal requested that their vote against the final decision be recorded;
- (v) In the event of an appeal, it was agreed that Cllrs G Barnell, C J Eginton and B G J Warren would defend the decision;
- (vi) The following late information was reported:

That the first reason for refusal suggested by amended as follows

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual context and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 176 and 177 of the National Planning Policy Framework 2021.

Officers note the contents of Cynthia Chattey's email below and apologise for any misclassification. However, it is considered that the implications report can be read in this context within its relevant section and it would not have changes the argument put forward in the implications report.

Dear Sally and others,

Yesterday I received an invitation to the upcoming planning session, frustratingly falling on Wednesday 22 September when I will be on a work visit to Dubai. I will do my best to attend, but considering I would once again be rearranging my schedule, I would like a level of assurance that the discussion of the solar farm at Langford Court will in fact take place. I have yet to receive a response on my previous email as to the technicalities which prohibited the conversation earlier.

I am rightfully aggrieved at the flagrant and continued MISCLASSIFICATION of UPDATES to Langford Court as a Grade 2 listing (as stated in your invitation letter and in the Implications Report). Grade 2* buildings are particularly important buildings of **more than special interest**. Less than 5.8% of listed buildings are Grade 2*. Considering it is in fact Planning who have oversight of this listing, I am confused as to how this has consistently been quoted wrongly.

It should be reiterated to EVERYONE on the panel and the audience that Langford Court is a Grade 2* (STAR) listing. It is, in fact, the STAR which requires extra sensitivity and consideration in spoiling our outlook and situation. It is that STAR which presents TREMENDOUS COSTS and HURDLES to our family, in our upkeep and maintenance of our HOME in order to meet and comply with council standards as to how it should be maintained. That same STAR should equally protect Langford Court when OTHERS are attempting to encroach on the property.

I would expect future references and documentation, particularly the Implications Report, to be updated to reflect the correct listing information and the level of diligence it should require. I would appreciate your help in incorporating this further complaint into my objection.

Any questions, I'm happy to be reached by reply email.

Thank you,
Cynthia Worley Chattey

Modifications in red -update

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual context and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 174, 176 and 177 of the National Planning Policy Framework 2021.

2. The proposed development due to its scale, location and appearance would have an unacceptable adverse impact on the setting of the Grade II* Listed Langford Court, contrary to Policies S9 DM2 and DM25 of the local

plan and the provisions of paragraph 199, 200 and 202 of the National Planning Policy Framework 2021”.

3. The proposed development due to its scale and layout would result in the additional loss of agricultural land contrary to Policies S1 and S9 and DM2 of the Local Plan and paragraph 174 of the National Planning Policy Framework 2021.

- (vii) *Report previously circulated copy attached to minutes.

(The meeting ended at 3.39 pm)

CHAIRMAN