

MINUTES of a **MEETING** of the **COUNCIL** held on 23 July 2025 at 6.00 pm

Present

Councillors

G Czapiewski (Chair)
C Adcock, M D Binks, N Bradshaw,
D Broom, E Buczkowski, J Buczkowski,
J Cairney, S Chenore, S J Clist, L J Cruwys,
G Cochran, C Connor, F J Colthorpe,
A Cuddy, G Duchesne, J M Downes,
M Farrell, B Fish, M Fletcher, C Harrower,
B Holdman, M Jenkins, S Keable,
L G J Kennedy, L Knight, N Letch, J Lock,
J Poynton, R Roberts, Stanford, A Stirling,
Stratton, L Taylor, H Tuffin, G Westcott,
J Wright and D Wulff

Apologies

Councillor(s)

S Robinson and N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place & Economy), Maria De Leiburne (Director of People, Legal and Governance (Monitoring Officer)), Laura Woon (Democratic Services Manager) and Sarah Lees (Democratic Services Officer)

**Councillors
Online**

A Glover and A White

Officers Online

Paul Deal (Head of Finance, Property and Climate Resilience).

1 APOLOGIES (03:34)

Apologies were received from Councillors: S Robinson and N Woollatt.

2 PUBLIC QUESTION TIME (04:24)

Goff Welchman

Question 1:

The recent appeal was always likely to win, due to the new Government housing targets, which tied the inspector's hands. However, he clearly sympathised with the many objections raised, as he has thrown us the consolation prize of 29 conditions, many of which will act as a deterrent to any developer thinking of taking over the site. Therefore, applications to retrospectively remove the most onerous conditions are highly likely. Will this Council confirm, that any such applications will be robustly refused?

Response from the Cabinet Member for Planning and Economic Regeneration:

The application of a significant number of conditions as well as obligations in any associated S106 agreement was a typical level of control to be established over a development of this scale. They were not a "consolation prize" but simply reflect the range of issues that a planning authority would reasonably expect to control or secure further details prior to various trigger stages in the development.

At this stage it would be pure speculation to discuss what options any developer may seek to pursue in implementing the planning permission and therefore to pre-determine the planning authorities decision on any such proposals would be both premature and represent an unreasonable starting point to our assessment that could place the authority at risk of a further costs award against it.

The Inspector in his decision had clearly set out the level of impact principally upon heritage assets and landscape (but also other impacted environments) and confirmed that he considers these impacts to be an acceptable cost in order to secure the 100 dwellings. This would represent the starting point for any consideration of alternative proposals if they are submitted.

Question 2:

The Tidcombe Hall area remains vulnerable to further speculative development applications, and even one to enlarge the currently approved plan, due to the original terrible mistake of designating it as a contingency site. Will this Council now commit to removing that designation in the next Local Plan?

The residents of Tiverton, and beyond, are bitterly disappointed at, and outraged by what is happening to the Tidcombe Hall area, and expect very positive responses to my questions."

Response from the Cabinet Member for Planning and Economic Regeneration:

As you would know, the current Local Plan was adopted by a previous Council and inherited by this Administration.

You would also recall, in relation to the Housing Delivery Action Plan that Mid Devon adopted in Spring this year, the Council resolved to exclude the Tidcombe Hall site from early release because of the harms considered arose from the partial control over the site that was available to the applicant, however the Inspector did not accept that those harms were sufficient to prevent development coming forward.

As you note, the only way to remove a particular site allocation or designation within an adopted Local Plan is by way of a plan review. As you would also know, the preparation of a new Local Plan is at a relatively early stage.

Before committing to the inclusion or exclusion of any sites or opportunities for development, the Council would need to consider at a strategic level how it intends to deliver the government's new housing numbers that will underpin the allocation of development across the district. Any Issues and Options document that we progress would be the subject of a wide public consultation which will enable the community of Mid Devon to make clear to the planning authority how they believe growth should be delivered in relation to both location and scale of development. Until we get to that stage however it would be inappropriate for officers or councillors to commit that individual allocations within the adopted Local Plan would be removed from future Plans for the district.

Nick Govier

The subject of Anaerobic Digestion Plants in Mid Devon and the conflict between commercial greed, impacts on communities and the environment along with the still to be proven case of supporting net zero remains as strong as ever.

I support the motion being proposed with the development of greater transparency for the public, the consultees and applicants being seen as a positive step. Mid Devon carries a disproportionate share of Anaerobic Digestion Plants located in Devon with significant time being consumed by planning officers, Council Members and the public in becoming involved in such applications as a result of the aforementioned tensions.

Added to this is the recent involvement of this Council's Enforcement Officer in bringing enforcement action in the face of clear planning condition breaches at one high profile AD location. Again the pursuit of corporate greed ignoring the expected protection afforded to local communities which should have been delivered through this council's very own planning conditions.

In light of this position can I please ask this council when discussing the motion they expand the scope of the proposed document and agree:

In reaching any planning decision how appropriate and enforceable planning conditions would be, along with explaining the enforcement challenges to date:

In reaching any planning decision how important would the health and safety be of local residents (referred to as receptors). This reflecting the statutory guidance from the Government which profiles the need for such plants to be operating a minimum 200m from the nearest receptor. This has previously been profiled as a concern by the Mid Devon Health Officers

In reaching any planning decision what consideration is given to the significant investment in the Tiverton Eastern Urban Extension. A programme of housing development and road infrastructure improvements which included a core strategic objective to reduce traffic volumes to the east of Tiverton. Recent AD operations have ignored this objective

In reaching any planning decision how the applicant can deliver a complete view of the net zero impacts. This includes the need to demonstrate the full impacts of feedstock production including use of large areas of land, sprays and fertilisers,

harvesting, transportation of feedstock and digestate over long distances, fuel consumption and plant operation before reaching any energy production.

I hope these elements are considered appropriate and I ask these are added to the scope of the proposed document. By bringing understanding and transparency to these themes I believe they will simplify future decision making for AD plants and support the motion before the council this evening.

Response from the Cabinet Member for Planning and Economic Regeneration:

Thank you, Mr Govier for your question and observations which I know was a central theme and concern for many Mid Devon Councillors. I am sure that these matters will be touched on through discussions this evening and I will also ensure that officers consider the points you raise in the context of any decision reached this evening and with a mind to national and local planning policy positions and requirements.

I should however just stress that any policy would necessarily need to consider Anaerobic Digester operations within the District as a whole, and not simply those contained within specific locations within the District.

Peter Drew

In a decision dated 24 June 2025 the Planning Inspectorate allowed an appeal for 100 dwellings at Tidcombe Hall. Luke Taylor claims that the decision was a “consequence of the recent adjustment to housing targets”. However once again the Lib Dems distort fact from reality.

The fact is that the Council chose Tidcombe Hall as a contingency site for 100 dwellings in its adopted Local Plan. It then conceded in advance of the Inquiry that it did not have a 5-year housing land supply. That is exactly the scenario in which the contingency site was designed to be released. The Planning Inspectorate noted the housing land supply figure is expected to fall further as the higher targets take effect but that doesn’t alter the fact that the Council itself chose this as the only contingency site in its adopted Local Plan to be released where there was a shortfall in the housing land supply. The Council cannot therefore blame anyone but itself.

In granting planning permission the Inspector found the scheme would have negative effects on the Grand Western Canal Conservation Area. In reaching that view the Conservation Area and Management Plan [CAAMP], which the Council rushed to endorse ahead of the Inquiry, does not appear to have been mentioned in the decision letter; it certainly didn’t make any difference.

At the time of endorsing the CAAMP, Mr Keable could not answer a simple question about what had changed to lead the same Council to remove trees on my property and elsewhere from the Conservation Area when the statutory test had not changed. The Council claimed the CAAMP would protect the Canal Conservation Area. However this decision adds to the harm that the Council have caused to the canal by removing protection from tens of thousands of trees and failing to stop pollution, including effluent and silt, from entering the canal at Sampford Peverell.

In a recent survey 87% of people said that they trust politicians “not very much or not at all” and that comes as no surprise to me given the track record of this Council.

Having refused to issue a public apology even when the Local Government Ombudsman found maladministration by the Council.

Question 1:

Would the Council now like to apologise for its failings in these matters?

Response from the Cabinet Member for Planning and Economic Regeneration:

Thank you, Mr Drew. Talking of distorting fact from reality, let us set some facts straight with regard to your own statements when answering your questions:

1. The current Local Plan was adopted under a previous administration with a significantly different membership and based upon information and evidence available at that time. It therefore seems somewhat absurd to suggest that Members within this room should be “blamed” for such a decision.
2. The Council did have a robust housing land supply position which has unfortunately been undermined by slow build out rates, the age of the adopted plan and fundamentally by Government revisions to the Council’s housing target.
3. The Council undertook a thorough review of the GWC Conservation Area which, after a great deal of effort by many Councillors in this room this evening, produced a positive suite of documents with many stakeholders ultimately acknowledging the efforts that the Council had gone to in producing the document and in engaging key stakeholders in a positive and productive manner. And finally;
4. The Council did not refuse to issue an apology to you. Nor did the LGSCO Ombudsman find Maladministration. Rather, the Ombudsman found that delay had caused you frustration and asked that the Council provide you with a written apology. You received this written apology from the interim Development Management Manager in April and within days of the finding being issued.

Paul Elstone

Question 1:

Much is being made about the energy efficiency of the ZED PODS modules. In response to a Freedom of Information Request asking how many electric heaters are fitted at the ZED POD Shapland Place development. I was advised that four out of the eight properties have Secondary Electric Heaters installed.

The author of the response made an additional comment and in which they said these are “*redundant heaters*” also “*Given the thermal performance of these units they are rarely if ever used*”.

That was spin now the facts.

Are members aware that a report involving Bristol City Council, states that the residents of another ZED POD development not unlike Shapland Place were required to keep their electric ovens switched on this to keep them warm.

That the modules monitored in the report had (Quote) “*Potentials for unusually high usage of energy*” (Unquote) ?

Question 2:

The Energy Certificates prepared for Shapland Place classifies the development as Energy Rating ‘A’.

A certificate that makes absolutely no reference to Secondary Electric Heaters being fitted, and which it most certainly should. As a result, the electricity consumption and carbon emission calculations are substantially incorrect. Therefore, how can it be said these modules are truly nett zero?

Question 3:

It is noted that at least one other ZED POD development is the same. Examination reveals that ZED POD use the same assessor for all of their developments. Are members aware that landlords can be liable to legal action, fines and even compensations payments for false Energy Certificates?

Question 4:

Over 3 months ago I sent an email to the Cabinet Member for Planning amongst others.

An email that I believe provided irrefutable as built drawing evidence showing that the Shapland Place ZED POD Development does not comply with the Governments Minimum Described Space Standards. This on 3 separate points.

I was promised a response, but nothing has been forthcoming.

When can I expect a response, and a response that fully accepts the points I raised. Or if not debunks them and in detail and importantly on a point-by-point basis?

Question 5:

Over 3 months ago I also provide irrefutable evidence to the Enforcement Team showing that Shapland Place had been built in breach of 3 planning conditions.

A fourth breach has since been identified and related to overheating.

When can I expect a response to the planning breaches identified? This consistent with the Enforcement Policy. Especially important given its MDDC themselves who are in breach and with other similar projects ongoing?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

Nick Quinn

I am asking three questions on a matter that affects both the Council and residents.

A local news article reported that this Council has agreed to pay 'compensation' to tenants affected by the 2002 Housing Rent Error.

But the article suggested that the "compensation" would have strings attached and be limited to £500.

Yesterday morning, BBC Breakfast interviewed the oldest Postmistress affected by errors in the Post Office Horizon System. She still has not been given any recompense and their compensation scheme is offering less than half her losses.

Like the Post Office, this Council appears to be doing everything it can to avoid repaying the money it has overcharged; using “Lawyers Advice” to restrict outright repayments and touting “Compensation payments”.

Please remember that this error was made by the Council and resulted in some rents exceeding the maximum level set by the Government.

Also remember that the tenants had to pay their inflated rents - if they did not, they would have been evicted.

From public information, the overcharge on some properties has been calculated to be more than £14,000.

Whilst not all the overcharges are as large, there are a lot of them, totalling £7.5 Million.

But the Council is restricting repayments and compensation – only budgeting £1.8 Million.

So, this error will have “Unjustly Enriched” the Council by Five Million Pounds.

That is a Big Win for the Council and a Big Loss for the Tenants!

All this is all being done in your name, so I ask:

Question 1:

Have all Members seen the actual advice given by the Lawyer?

Question 2:

Do all Members realise that “Compensation” may be limited to £500?

Question 3:

Are all Members happy to accept that the good reputation of this Council will be tarnished by the failure to repay the full amount owed?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

3 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (25:14)

Members were reminded of the need to make declarations of interest where appropriate.

None were declared under this item.

4 MINUTES (25:30)

The minutes of the meeting held on 7 May 2025 were **AGREED** as a correct record and signed by the Chair.

5 CHAIR'S ANNOUNCEMENTS (26:10)

The Chair had the following announcements to make:

- On the 8th May he had hosted the V E Day celebration and thanked those all that attended.
- On the 20th May he attended the Exeter Otters awards evening. This was an inspiring wheelchair basketball team.
- He attended the Great British Takeaway to say thank you for giving the Council a £50 fish and chip voucher (free) to give to the VE Day 80 poster competition winner.
- On the 27th May he attended the Friends of Tiverton Youth Centre. He met the team and saw the inspiring work they had done.
- On the 6th June he had attended the 'D' Day Anniversary Wreath Laying Ceremony in People's Park, Tiverton.
- On the 13th June he had attended an Exeter Policing awards ceremony.
- On the 23th June he had hosted the raising of the Armed Forces Day Flag.
- On the 26th June he had attended the Tiverton u3a AGM at Moorhayes Community Centre.
- On the 3rd July, the Vice Chair represented the Council at the historic Lammas Fair in Exeter.
- On the 4th July he attended Tiverton Primary School and gave a careers presentation.
- On the 5th July, he attended and took part in a litter pick in Tiverton, arranged by Allies. This had been a pleasant morning and many passers-by appreciated what was being done.

6 PETITIONS (30.47)

None received.

7 NOTICE OF MOTION (31:00)

1. Motion 608 (Cllr G Westcott)

The Council had before it a **MOTION** submitted for the first time.

Motion: Anaerobic Digester Plants

Council is asked to note that:

- That the contribution of Anaerobic Digester Plants to reduction of greenhouse gas emissions is highly variable^{[11](#)};
- That while digestion of on farm wastes reduces escape of greenhouse gases from stored plant wastes, slurry pits etc, industrial scale AD processing requires considerable heavy vehicle transport of feedstock to the plant and digestate away from it for spreading on land;
- That heavy vehicle traffic movements constitute a considerable problem for local residents on single carriageway roads;
- That research shows that AD plants cannot necessarily be expected to contribute to the reduction of greenhouse gas emissions (only 1/3 of French

AD plants studied did so^[2]) and so do not necessarily constitute sustainable development.

Council is asked to support:

Planning officers to prepare a Supplementary Planning document outlining the conditions under which any further applications for Anaerobic Digester plants, or the expansion of existing plants, would be acceptable and contribute to goals for climate change mitigation; and what planning conditions might be required to ensure that this contribution is realised.

[\[1\] Does anaerobic digestion really help to reduce greenhouse gas emissions? A nuanced case study based on 30 cogeneration plants in France – Science Direct](#)

[\[2\]](#) Ibid

Cllr G Westcott **MOVED** an **AMENDMENT** seconded by Councillor B Fish that the Motion be referred to the Planning, Environment and Sustainability Policy Development Group, for review before it came back to Full Council.

Consideration was given to:

- To complete an Equality Impact assessment.
- The districts wider audit of anaerobic digester plant and the target of net zero.
- The questions that were received from the member of public would be considered at the Planning, Environment and Sustainability Policy Development Group.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**.

8 APPOINTMENT OF THE CHAIR OF THE SCRUTINY COMMITTEE (38:22)

Cllr A Cuddy nominated Cllr L Kennedy for election as Chair of Scrutiny. The nomination was seconded by Cllr B Holdman.

Upon a vote being taken, it was:

RESOLVED that Cllr L Kennedy be elected Chair of the Scrutiny Committee for the Municipal Year 2025/2026.

Those voting **AGAINST**: Councillors: M Binks, P Colthorpe and R Roberts.

Those **ABSTAINING** from voting Councillors: N Bradshaw, M Jenkins, H Tuffin and G Westcott.

9 CABINET- REPORTS OF THE MINUTES HELD ON 17 JUNE 2025 AND 8 JULY 2025 (44:33)

The Leader presented the reports of the meetings of the Cabinet held on 17 June and 8 July 2025.

1. 2024/2025 Annual Treasury Management Review.

The Leader **MOVED** and seconded by Cllr M Fletcher:

That the recommendation of Cabinet as set out in minute 6 be **APPROVED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Note: * Report previously circulated.

10 SCRUTINY COMMITTEE- REPORTS OF THE MINUTES OF THE MEETING HELD ON 14 APRIL 2025- 9 JUNE 2025 (46:30)

The Vice Chair of the Scrutiny Committee presented the reports of the meetings held on 14 April and 9 June 2025.

11 AUDIT COMMITTEE- REPORTS OF THE MINUTES OF THE MEETING HELD ON 24 JUNE 2025 (47:00)

The Chair of the Audit Committee presented the report of the meeting held on the 24 June 2025.

12 COMMUNITY, PEOPLE AND EQUALITIES POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 17 JUNE 2025 (47:30)

The Chair of the Community, People and Equalities Policy Development Group presented the report of the meeting held on the 17 June 2025.

13 ECONOMY AND ASSETS- POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 19 JUNE 2025 (47:54)

The Chair of the Economy and Asset Policy Development Group presented the report of the meeting held on 19 June 2025.

14 HOMES POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 3 JUNE 2025 (48:40)

The Vice-Chair of the meeting of the Homes Policy Development Group presented the report of the meeting held on 3 June 2025.

15 PLANNING, ENVIRONMENT AND SUSTAINABILITY POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 10 JUNE 2025 (49:05)

The Chair of the Planning, Environment and Sustainability Policy Development Group presented the report of the meeting held on 10 June 2025.

16 **SERVICE DELIVERY AND CONTINUOUS IMPROVEMENTS POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 23 JUNE 2025 (49:28)**

The Chair of the Service Delivery and Continuous Improvement Policy Development Group presented the report of the meeting held on 23 June 2025.

17 **LICENSING COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 27 JUNE 2025 (49:52)**

The Chair of the Licensing Committee presented the report of the meeting held on 27 June 2025.

18 **REGULATORY COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 27 JUNE 2025 (50:15)**

The Chair of the Regulatory Committee presented the report of the meeting held on 27 June 2025.

19 **PLANNING COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 9 APRIL, 11 JUNE AND 2 JULY 2025 (50:40)**

The Chair of the Planning Committee presented the reports of the meeting held on 9 April, 11 June and 2 July 2025.

20 **STANDARDS COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 18 JUNE 2025 (51:15)**

The Chair of the Standards Committee presented the report of the meeting held on the 18 June 2025.

1. Advice to Elected Members who may be Victims of Crime.

The Chair of the Standards Committee **MOVED**, seconded by Cllr L Taylor.

THAT the recommendation of the Standards Committee as set out in Minute 13 be **APPROVED**

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Note: * Report previously circulated.

21 **QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 11 (52:20)**

There were no questions raised which were pursuant to Procedure Rule 11 and which had not already been dealt with during the relevant Committee reports.

22 **SPECIAL URGENCY DECISIONS (52:35)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting, the Chair informed the meeting that no such decisions had been taken in that period.

23 QUESTIONS TO CABINET MEMBERS (52:38)

The Chair informed the meeting that no were no questions to Cabinet Members.

24 MEMBERS BUSINESS (53:03)

The Chair informed the meeting that there were no Members Business.

(The meeting ended at 19:00pm)

CHAIR