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Mid Devon District Council

Scrutiny Committee

Monday, 10 September 2018 at 2.15 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Monday, 8 October 2018 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr F J Rosamond
Cllr Mrs H Bainbridge
Cllr Mrs F J Colthorpe
Cllr Mrs C P Daw
Cllr Mrs G Doe
Cllr Mrs S Griggs
Cllr T G Hughes
Cllr Mrs B M Hull
Cllr F W Letch
Cllr Mrs J Roach
Cllr T W Snow
Cllr N A Way

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 3 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 4 **MEMBER FORUM**
An opportunity for non-Cabinet Members to raise issues.
- 5 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 10*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 13th August 2018.
- The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.
- 6 **DECISIONS OF THE CABINET**
To consider any decisions made by the Cabinet at its last meeting that have been called-in.
- 7 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.
- 8 **ANAEROBIC DIGESTER WORKING GROUP** (*Pages 11 - 38*)
To receive a final report on Anaerobic Digesters from the Scrutiny Officer.
- 9 **MAINTENANCE OF LOCAL IMPROVEMENT SCHEMES** (*Pages 39 - 70*)
To receive a report from the Group Manager for Corporate Property and Commercial Assets on historic District-wide Local Improvements Schemes and their associated liability.
- 10 **SCRUTINY OFFICER UPDATE** (*Pages 71 - 72*)
To receive a report from the Scrutiny Officer of topics that he had been tasked with.
- 11 **FINANCIAL MONITORING**
To consider a verbal report of the Deputy Chief Executive (S151) presenting financial monitoring information for the income and expenditure to date.
- 12 **FORWARD PLAN** (*Pages 73 - 86*)
Members are asked to consider any items within the Forward Plan that they may wish to bring forward for discussion at the next meeting.
- 13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**
Members are asked to note that the following items are already identified in the work programme for the next meeting:

Cabinet Member for Housing

Air Quality Action Plan update

Safeguarding update

Tiverton Town Master Plan

Annual Report of Complaints, Comments and Compliments

Complaints Policy

Universal Credit update

Establishment 6 month review

Review of the Performance Indicators given to Elected Members

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Stephen Walford
Chief Executive
Friday, 31 August 2018

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Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 13 August 2018 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs F J Colthorpe, Mrs S Griggs,
Mrs B M Hull, F W Letch, T W Snow,
N A Way, Mrs A R Berry and R J Dolley

Apologies

Councillor(s)

Mrs C P Daw, Mrs G Doe, T G Hughes and Mrs J Roach

Also Present

Councillor(s)

R L Stanley and Mrs M E Squires

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Alan Keates (Group Manager for ICT), Maria De Leiburne (Solicitor), Kevin Swift (Public Health Officer) and Carole Oliphant (Member Services Officer)

40 APOLOGIES AND SUBSTITUTE MEMBERS (00.01.35)

Apologies were received from Cllr Mrs C P Daw (substituted by Cllr Mrs A R Berry) and Cllr Mrs J Roach (substituted by Cllr R J Dolley). Apologies were also received from Cllr Mrs G Doe.

41 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.02.17)

There were no declarations made.

42 PUBLIC QUESTION TIME (00.02.30)

There were no questions from members of the public present.

43 MEMBER FORUM (00.02.39)

The Committee asked for an update from the Scrutiny Officer on the funding for Trim Trails outside of Tiverton who stated that he would provide a written response.

44 **MINUTES OF THE PREVIOUS MEETING (00.04.04)**

The minutes of the meeting held on 1st August 2018 were approved as a correct record and **SIGNED** by the Chairman.

45 **DECISIONS OF THE CABINET (00.04.28)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 2nd August 2018 had been called in.

46 **CHAIRMAN'S ANNOUNCEMENTS (00.04.32)**

The Chairman reminded Members that Neil Parish MP had requested information with regard to the Superfast Broadband provision from BT. He asked Members to forward details onto the Committee Clerk who would, in turn send them onto the MP.

He informed the Committee that the Housing Services Manager was compiling a report on Universal Credit.

47 **WHISTLEBLOWING 6 MONTH UPDATE (00.06.41)**

The Group Manager for Performance, Governance and Data Security informed the Committee that there had been no cases reported since the last update. She informed the Committee that reported cases had to be in the public interest and that this would lead to less reported instances.

48 **RIPA 6 MONTH UPDATE (00.07.52)**

The Committee **NOTED** a 6 month verbal update from the Group Manager of Legal Services and Monitoring Officer informing it that there had been no RIPA applications or authorisations in the past 6 months.

In light of this and the absence of any authorisations for a number of years, the Monitoring Officer had asked the Scrutiny Committee to consider moving to an annual report.

The Committee were informed that the reason for the low instances was that the process was quite intrusive and so if information could be obtained by other methods it would be preferable.

It was **RESOLVED** that the RIPA report be presented to the Scrutiny Committee annually or when an instance came up.

(Proposed by the Chairman)

49 **PERFORMANCE AND RISK (00.10.17)**

The Committee had before it and **NOTED** a *report from the Group Manager for Performance, Governance and Data Security providing an update on performance against the Corporate Plan and local service targets for 2018-2019 as well as providing an update on the key business risks.

She outlined the contents of the report highlighting the targets against the Corporate Plan aims and providing information from queries raised.

The Committee asked, in relation to the Corporate Plan aim to facilitate the housing growth that Mid Devon needs, including affordable housing, for confirmation of the number of and location of Council houses built in the District in recent years. The Group Manager for Performance, Governance and Data Security stated she would provide a response.

Discussion took place regarding the reporting of Markets and that some Members felt that other local markets not run by the Council should be included.

The Committee requested that an explanation be provided of the biodegradable bags being provided by traders at the Tiverton Pannier Market. The Group Manager for Performance, Governance and Data Security stated she would provide a response.

The Committee were informed that the Gas Safety Inspections figures were reliant on tenants allowing access to their properties to enable the inspections to take place. The reason the figure was not 100% was that some tenants would not allow access but it was explained that there was an agreed procedure if the tenant didn't allow access.

The Committee discussed the fact that stress factors were only reported for staff and not for Members. The Chief Executive explained that he had a statutory duty of care for council employees (officers) but he would raise with Member Services the issue of stress management for Members.

The Group Manager for Performance, Governance and Data Security summarised the risk matrix.

Note: *Report previously circulated and attached to minutes

50 **FORWARD PLAN (00.28.04)**

The Committee had before it and **NOTED** the Cabinet Forward Plan *.

The Committee requested an updated report on property assets and the plans for them. The Chief Executive explained that he would arrange a repeat of the report previously sent.

The Committee discussed the Greater Exeter Strategic Partnership (GESP) and agreed to wait for the report into the proposed consultation for GESP which was due to be presented to Cabinet in the autumn.

Note: - Forward Plan * previously circulated and attached to minutes

51 **COMMUNITY SAFETY PARTNERSHIP ANNUAL REPORT (00.33.04)**

The Committee had before it and **NOTED** a *report from Group Manager for Public Health and Regulatory Services providing the Committee with a progress report of the Community Safety Partnership (CSP).

He outlined the contents of the report and gave an overview of the financial implications of Domestic Homicide Reviews (DHR). He explained that the reviews were legally required where a death occurred through violence in the home and it may be where domestic violence or other safeguarding issues were previously known to the authorities. One of the key purposes of the DHR was to see if there were any multi-agency lessons to be learnt from such tragic events which in turn could inform CSP activities and initiatives

He explained that the East and Mid Devon CSP were currently considering the latest Devon Strategic Assessment and a consultation in July to develop a new CSP Action plan had attracted over 30 organisations or interested parties. He said that there would be a slightly different approach going forward.

The Committee discussed why only Tiverton High School had been mentioned in many of the initiatives mentioned in the report but not any other Mid Devon secondary schools. It was explained by the Cabinet Member for Working Environment and Support Services that Queen Elizabeth School Crediton had been approached but had not wanted to take up the offer of being involved in the initiatives. It was explained by Cllr A R Berry that Uffculme School had also been approached and that they had other programmes in place covering the same topics.

The Committee requested that the details of the 6 primary schools who had taken up internet safety training were made known to Members.

Members requested that future reports on ASB activity were broken down by Ward.

The Committee discussed the issues of drugs and drug trafficking in Mid Devon and noted that Neil Parish MP was going to raise the issue with the Chief Constable of Devon & Cornwall Police, Shaun Sawyer.

The Committee discussed the issue of forced marriages and child sexual exploitation in Mid Devon and the Group Manager for Public Health and Regulatory Services stated that this may be an area in which the CSP could help to get the information across.

The Chairman thanked the Group Manager for Public Health and Regulatory Services for his report and reminded the Committee they had a duty to scrutinise the Community Safety Partnership and its actions.

Note: *Report circulated and attached to the minutes.

52 **SCRUTINY OFFICER UPDATE (00.56.41)**

The Committee received a verbal update from the Scrutiny Officer regarding various areas that he had been asked to look into on its behalf.

Consideration was given to the themes within the report which included:

- Road Maintenance
- Air Quality Action plan - update at next Community PDG

- Community Engagement – The Parish & Town Council survey had 22 reports back and he hoped to bring the results back to the working group
- A level provision
- Diet, Nutrition and Lifestyle Members Briefing at 2.00pm on 16th August

53 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (01.02.12)**

Prior to considering the following items on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Committee decided that in all the circumstances of the cases, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 3 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and under Part 5 of Schedule 12A of the Act, namely information in respect of which a claim of legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

54 **CYBER SECURITY**

The Committee had before it and **NOTED** a *report from the Group Manager for ICT and GMS Services on Cyber Security and procedures to mitigate risks.

He outlined the contents of the report and provided the Group with the Council's mitigation strategies.

He encouraged Members to send any suspect emails that came into their MDDC email accounts through to ICT so they could be scanned and provided the relevant email address.

Note: *Report previously circulated

55 **PALMERSTON PARK/BIRCHEN LANE**

The Committee had before it and **NOTED** a cost *report from the Group Manager for Corporate Property and Commercial Assets on the Palmerston Park and Birchen Lane developments.

He outlined the contents of the report which was duly debated by Members.

Note: - *Report previously circulated

The meeting moved back into open session.

56 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.05.11)**

The following item was identified for a future meeting:

Committee requested a report on affordable housing contributions (as part of s106) and s106 monies in general and the Chief Executive advised that he would provide some information.

(The meeting ended at 3.54 pm)

CHAIRMAN

Mid Devon District Council Scrutiny Committee	Working Party Report	Topic: Anaerobic Digestion
Distribution: Scrutiny Committee Leadership Team		Date: 29 th August 2018

Anaerobic Digestion

Scrutiny Committee Working Party Report

August 2018



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1. Anaerobic Digestion

This report was requested by the Scrutiny Committee, Mid Devon District Council in order to gain a better understanding of the industry and its potential impact upon the environment and human health.

2. Working Party Membership

Cllr Frank Rosemond (Chair), Cllr Margaret Squires, Cllr Rosemary Berry, Cllr Gillian Doe, Cllr Terry Snow, and Kevin Swift (Scrutiny Officer), Julia Stuckey (Secretary).

3. Terms of Reference

To understand the process, science and potential impact of Anaerobic Digestion (AD) on Mid Devon as a source of renewable energy and bio fertiliser.

The remit of the study will include:

- A desktop review of the process.
- A review of the current regulatory framework.
- A review of planning legislation relating to AD; including correlation with waste processes/plants.
- Reference site visits.
- A desktop review of nuisances, environmental concerns/incidents associated with plants and ancillary activities.
- A peer review from health professionals on any potential human health impact associated with AD plants and ancillary activities.

4. Background

In November 2015 a report was prepared for the Scrutiny Committee on Anaerobic Digesters by the Head of Planning and Regeneration and Group Manager, Public Health and Regulatory Services, Mid Devon District Council (MDDC). The report was requested in order to address residents' concerns over the impact upon them of existing operational schemes within parts of the district, how such concerns are investigated, liaison between different organisations with a regulatory role and what lessons can be learnt as a result.

The report outlined the role of the regulatory functions of MDDC such as Planning and Environmental Protection (or Environmental Health) and of external agencies (Environment Agency, Devon County Council Highway Authority/Waste Planning and Public Health England) including multi-agency consultation and liaison.

MDDC's Planning Services assess a range of issues including impact upon residential amenity as a result of noise, odour; nuisance and disturbance; landscape and visual impact, highways and access, drainage, ecology, pollution and contamination, archaeology, appearance and character.

MDDC's Public Health and Regulatory Services provide environmental protection advice on applications and have an enforcing role for Statutory Nuisance legislation. There is an acknowledgment of the legislative complexity surrounding anaerobic digestion and related activities e.g. slurry pits and storage points.

Planning assessment of AD plants has incorporated specific consideration of the scope and extent of planning control. Officers reported to Planning Committee on 6th April and 6th July 2016 in relation to the revised scheme at Red Linhay (Hartnoll Farm, Halberton) considered in some detail the suitability and limits of control of planning conditions. They also took into account the Secretary of State called in planning appeal decision over an AD plant at Fletcher Bank in Lancashire. Within this the Secretary of State included an assessment of what planning conditions were reasonable to apply.

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=2224754>)

The consideration of this planning application at the Red Linhay AD plant took account of best practice and Secretary of State guidance together with areas that Planning Committee wished to see controlled. Whilst further revised planning permissions for this particular AD plant have been granted, the decision notice below was taken as a template for the issue of subsequent permissions on this and other sites.

https://planning.middevon.gov.uk/online-applications/files/1B5EB2CF430D77A05EF5A4EE34F34831/pdf/15_01034_MFUL-Decision_Notice-84712.pdf

Key considerations in the Fletcher Bank decision included impact on odour and noise (nearby residents), whilst traffic movements, air quality and pollution from lighting though weighing against the proposal were less of an issue.

Anaerobic Digestion plants are subject to significant scrutiny from planning authorities and the Environmental Agency implements a permit system that seeks to oversee the management and operations of these facilities where waste is a material consideration. The final destination of digestate and its storage, along with other farm related activity and sites used for the management of manure and slurry, in particular slurry pits and lagoons that are not covered by the permitting regime, are addressed in the Position Statement on Anaerobic Digestion of Manure and Slurry released in 2010 by the Environment Agency (Appendix A).

Planning permission is necessary for most anaerobic digestion installations. Small scale digesters using only on-farm waste may be passed as Permitted Development. Any installation accepting third party waste will need full planning permission. Renewable Energy continues to grow in Devon and in the South West generally. In the last RegenSW renewable energy report (2015) it noted that 14% of the South West's energy was derived from renewables. Devon and Somerset lead in producing the most electricity from anaerobic digestion. AD accounts for around 14% of energy derived from renewables.

5. Mid Devon sites

Table 1 illustrates the type of permit and power capacity of the current sites within the Mid Devon District area. There are a number of operators within Mid Devon and they also have sites or business interests at sites in neighbouring districts.

The Willand site currently holds a bespoke permit, though not receiving waste currently, which falls within the remit of the Environment Agency permitting scheme.

Certain types of process (by sector and/or size) can only be issued with a bespoke permit, due to the relative complexity and/or higher level of risk.

The operator reports that only grass silage, maize silage and wheat grain (non-waste) will be used under phase 1 of the project. For phase 2 the facility is proposing to accept wastes to which the EA will apply certain conditions.

Table 1 Mid Devon AD plants

Name	Power generated Mega Watts (MW)	Type of permit/conditions
Broadoak Farm, Cullompton	Less than 5MW	Standard Rules 2012 No10
Menchin Farm, Nomansland	Less than 5 MW	Standard Rules 2012 No10
Edgeworthy Farm, Nomansland	Less than 5 MW	Standard Rules 2012 No10 (not fully operational as yet)
Mountstephen Farm, Uffculme	Less than 0.4 MW	Exempt T24
Hartnoll Farm, Halberton	Less than 5 MW	Bespoke Proximity to residential dwellings required odour/noise management plan
Willand Road, Willand	Less than 5 MW	Bespoke Recently permitted but conditions will apply only once waste is received. Site to operate as a crop fed AD plant in the meantime. Currently under construction. Planning dealt with by Devon County Council as permitted as waste recovery.

The Working Party undertook two site visits, one in Mid Devon at (Red Linhay) Hartnoll Farm, Halberton, and the other at Enfield Farm, Clyst St Mary just east of Exeter in East Devon.

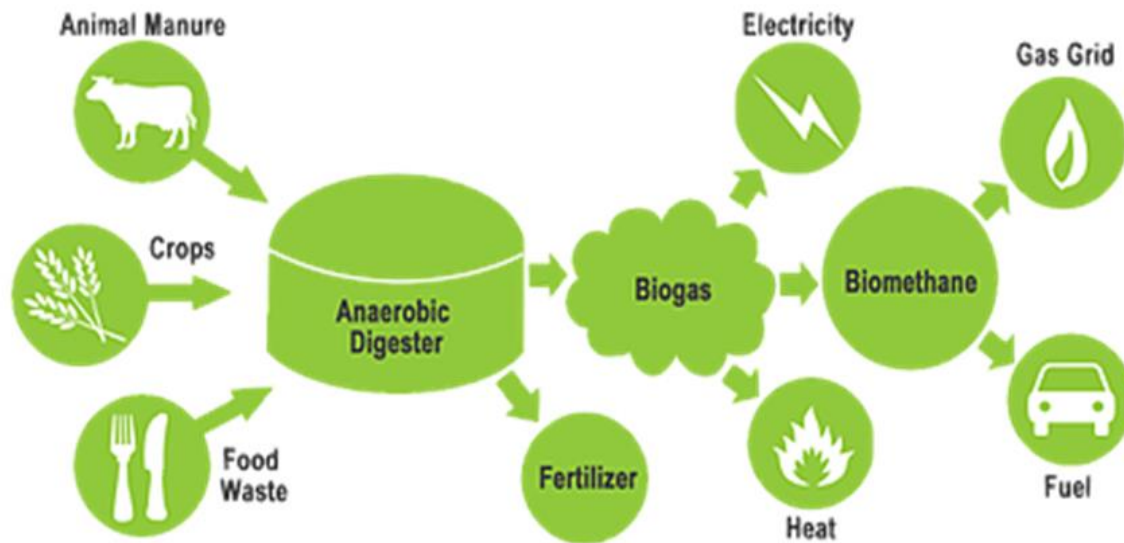
Environment Agency officers were also in attendance to answer any queries relating to their area of expertise. The sites provided the Working Party with a good understanding of large scale AD operations. Members of the Working Party commented that the facilities appeared to be well managed and maintained and were subject to a high level of scrutiny and regulation from the Environment Agency.

At the Enfield farm site visit a presentation was given by a farmer in Somerset that received the digestate from the plant which illustrated the benefits for his particular circumstances (chalky soil). Mid Devon soils are characterised as slightly acid loams and clays and therefore the benefits of the use of digestate as a soil improver and fertiliser will be different.

There are further controls and guidelines that the Environment Agency imposes to protect land and water from contamination and over nitrification seen in many areas in Mid Devon (Nitrate Vulnerable Zones). The spreading of digestate needs to be carefully monitored to avoid adding to the problem of nitrate pollution in ground water.

6. The Anaerobic Process

The process of Anaerobic Digestion (AD) occurs in several steps and requires a community of micro-organisms.



Hydrolysis - large, complex polymers like carbohydrates, cellulose, proteins and fats are broken down by hydrolytic enzymes into simple sugars, amino acids and fatty acids.

Acidogenesis - simple monomers are broken down into volatile fatty acids.

Acetogenesis - the products of acidogenesis are broken down into acetic acid, releasing hydrogen and carbon dioxide.

Methanogenesis - bacteria called methane formers produce methane either by cleaving two acetic acid molecules to form carbon dioxide and methane, or by reduction of carbon hydroxide with hydrogen.

7. Anaerobic Digestion systems

AD is a very flexible process that can be configured in multiple ways, according to the inputs, outputs, site access, space and layout.

The options are described below. AD systems can be classified according to whether they are:

- Mesophilic or thermophilic
- Wet or dry
- Continuous or batch flow
- Single, double or multiple digesters
- Vertical tank or horizontal plug flow

7.1 Mesophilic or Thermophilic

Mesophilic systems operate at 25-45°C and thermophilic systems operate at 50-60°C or above. Thermophilic systems have a faster throughput with faster biogas production per unit of feedstock and m³ digester and there is greater pathogen

kill. However, the capital costs of thermophilic systems are higher, more energy is needed to heat them and they generally require more management.

7.2 Wet or Dry

The difference between what is considered a wet process and a dry process is quite small. Effectively, in wet AD the feedstock is pumped and stirred (5-15% DM) and in dry AD it can be stacked (over 15% DM). Dry AD tends to be cheaper to run as there is less water to heat and there is more gas production per unit feedstock. However, wet AD has a lower set-up capital cost.

7.3 Continuous or Batch Flow

Most digesters are continuous flow as opening the digester and restarting the system from cold every few weeks is a management challenge. They also generally give more biogas per unit feedstock and their operating costs are lower. Some dry systems are batch flow, however. To overcome peaks and troughs in gas production there is usually multiple batch digesters with staggered changeover times.

7.4 Single, Double or Multiple Digesters

As explained above, AD occurs in several stages. Some systems have multiple digesters to ensure each stage occurs sequentially and is as efficient as possible. Multiple digesters can give you more biogas per unit feedstock but at a higher capital cost, higher operating cost and greater management requirement. Most digesters in the UK are single or double digesters.

7.5 Vertical Tank or Horizontal Plug Flow

Vertical tanks simply take feedstock in a pipe on one side whilst digestate overflows through a pipe on the other. In horizontal plug-flow systems a more solid feedstock is used as a 'plug' that flows through a horizontal digester at the rate it is fed in.

Vertical tanks are simple and cheaper to operate, but the feedstock may not reside in the digester for the optimum period of time. Horizontal tanks are more expensive to build and operate, but the feedstock will neither leave the digester too early nor stay in it for an uneconomically long period.

All anaerobic digester operators in the UK must comply with regulations concerning environmental protection, animal by-products, duty of care, health and safety and waste handling.

8. Agency Roles

8.1 Planning (Mid Devon District Council and Devon County Council)

The planning permission for AD processes which involve non-waste and waste materials is undertaken by both Mid Devon District Council (MDDC) and Devon County Council (DCC). In the context of AD processes the consenting planning authority will deal with any enforcement issues. In most cases DCC are the relevant planning authority if the material is classified as waste and MDDC if it involves non-waste. Nevertheless, MDDC Planning is a statutory consultee on DCC applications and vice versa.

MDDC Environmental Health is a statutory consultee with regard to a range of material planning considerations including as relevant; statutory nuisances, private water supplies, air quality and contaminated land. Further regulatory controls can be applied by Animal Health and Plant Agency (APHA) should the AD process involve any wastes containing Animal Bi-Products (ABPs) and covered by the Animal By-Products Regulations.

The Planning Service at MDDC is responsible for assessing and determining planning applications for AD plants and associated development where feedstock for such schemes is not predominantly waste disposal, but instead from sources such as crops. The planning application will involve assessment of a range of issues including impact upon residential amenity as a result of noise, odour; nuisance and disturbance; landscape and visual impact, highways and access, drainage, ecology, pollution and contamination, archaeology, appearance and character.

The Planning Service works closely with other MDDC services such as Environmental Health over potential public health and amenity / nuisance issues; together with other organisations such as the DCC Highway Authority over access and transport considerations and the Environment Agency over environmental protection and waste management.

Planning applications must be determined in accordance with the development plans unless material considerations indicate otherwise. Assessment is made against planning policies also taking into account national planning guidance. For such schemes it is often the case that a 'planning balance' exercise is undertaken whereby the benefits of the scheme are weighted against the dis-benefits on coming to a conclusion whether to grant permission.

Larger schemes may be required to be accompanied by an Environmental Impact Assessment (EIA) which seeks to understand comprehensively the likely impact of the development upon the environment. This is formal process where significant environmental effects are anticipated. Whether the development is subject to EIA is established through a scoping exercise for which Government advice deals with scale and nature of the development, sensitivity of the area and the scale / nature of likely impacts.

Planning permission may be granted subject to conditions. Conditions are required to meet a series of tests. They may only be imposed where they are necessary, relevant to planning and the development to be permitted; enforceable; precise and reasonable in all other respects. Planning conditions requiring compliance with other regulatory requirements such as the Environmental Protection Act, waste regulations or terms of an environmental permit (all regulated by other bodies) do not meet the test of necessity and should not be imposed.

Devon County Council has several roles of relevance. The first of these is as waste planning authority where it has responsibility for the determination of planning applications relating to waste development. Where the feedstock for AD plant schemes is predominantly waste, such as the scheme at Lloyd Maunder Road, Willand planning applications are dealt with by the County Council and MDDC is a consultee in the process.

The County Council also has a function as Highway Authority. The Highway Authority is a consultee for planning purposes when the development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or involves the formation of or change to an access. The impact of the proposal upon highway safety is major consideration. The Highway Authority is also responsible for roads maintainable at public expense. Issues in relation to highway safety, condition and damage are dealt with by DCC as part of this role.

8.2 Environmental Protection (MDDC Public Health and Regulatory Services)

The Specialist Environmental Protection officers have a key consultation role regarding the determination of planning applications for AD plants, poultry installations and farm storage facilities. They provide advice on the environmental protection matters, private water supplies and nuisance issues that could arise at sensitive locations in the vicinity of the proposed development. The focus is on potential impacts to public health (prejudicial to health) in addition to other statutory nuisance, amenity issues and wider land or air quality considerations. In particular this helps to support decisions on the general principle and suitability of land-use proposals at specific locations. Where information is available, potential cumulative impacts from existing or approved facilities in the surrounding area are taken into account in the advice provided.

Public Health also have a role in providing input into the formal determination (pre-approval) of the scope of any Environment Assessment or Environmental Impact Assessment (EA/EIA) that may be required for larger proposals and the technical evaluation of the subsequent assessments when submitted. In accordance with this role there is a well-established consultation mechanism in place and an effective working relationship with colleagues in Planning.

MDDC are also the enforcing authority for Statutory Nuisance legislation. This is essentially a reactive duty exercised by Public Health to investigate complaints of odour, noise, dust, grit, fumes and other nuisances. The test for issuing a notice is that the Council must be satisfied that the nuisance exists or is likely to occur or recur. The test for prosecuting a breach of an abatement notice is whether there is sufficient evidence to provide a realistic prospect of conviction and then whether it is in the public interest to do so.

These powers do not apply where the source of the complaints is a site or facility which holds an integrated environmental permit issued by the Environment Agency (more below), in which case the Agency is the sole regulator under the Environmental Permitting legislation. Where Public Health receives complaints that are ultimately the responsibility of the Agency or vice versa then there is a duty to share information.

In respect of AD and related activities then certain on-farm storage facilities for slurry or AD digestate and other activities can give rise to nuisance (typically noise and odour) but may not require an Environment Agency permit. If this is the case the Environmental Health statutory nuisance provisions apply and any complaints would be investigated in the same manner as any other agricultural premises or activity.

Non-permitted sites include those where the storage point is considered to be on-farm i.e. the final point of storage on that farm to be spread directly onto the land. Slurry is also often used alongside chicken waste as biodegradable feedstock for the AD process and as indicated above, digestate is the non-biogas material remaining after digestion has taken place. If the storage involved digestate which came from an AD plant where animal by-products were used a permit would still be required. Any complaints in relation to noise or odour from farming activities arising from the preparation of any feedstocks for an AD unit will be dealt with by Environmental Health, again under statutory nuisance legislation.

8.3 European legislation

The majority of environmental regulation in the UK is currently driven by the requirements of European legislation. The key European Directives are:

The Revised Waste Framework Directive (2008/98/EC): Established the waste hierarchy and set targets that prioritised recycling over recovery.

The EU Landfill Directive (1999/31/EC): The Landfill Directive defines technical standards for the disposal of waste and sets targets for the reduction of biodegradable municipal waste disposal to land.

The Industrial Emissions Directive (2010/75/EU): Combined seven existing directives (including the Integrated Pollution Prevention and Control Directive) into one Directive.

The EU Animal By-Product Regulation (EC) No. 1069/2009: The regulations include sanitary requirements for the handling and treatment in an AD plant of waste containing animal by-products. This includes food waste from commercial and household sources.

8.4 Environmental Permitting (Environment Agency)

Environmental Permitting (EP) is a scheme in England and Wales for regulating business activities that could have an impact on the environment and human health. All AD plants are required to obtain a permit or exemption to operate and to spread digestate – completing an application with relevant technical information and demonstrating competency to operate the plant. As a sector, all AD plants requiring an environmental permit come under the Environment Agency responsibilities within the Environmental Permitting legislation.

The Environment Agency has a general responsibility for the protection of the countryside and the natural environment. In the context of AD, there are a number of areas of interest ranging from the AD plants themselves and associated or related activities such as intensive poultry installations in addition to manure, slurry/digestate storage, use and land spreading or disposal as waste.

For the industrial or intensive agricultural activities then the Agency has specific proactive environmental permitting responsibilities. They issue and regulate integrated permits setting out management and operational controls on emissions from these sites to air, land and water. This therefore includes emissions from

chimneys and stacks, releases into rivers and onto land, dust, noise, odour and vibration. The permits are 'living documents' whereby there are provisions to vary or otherwise amend the permit controls in response to changes in best practice, operations and scale etc. Where problems and non-compliance are identified then permits can be used to specify improvement plans. The permits are designed to prevent problems and damage being caused to the environment and local community in the first place. All AD plants whose feedstock contains waste and directly technically linked activities are covered by this regulation in addition to all intensive poultry sites with a combined capacity of 40,000 or more birds.

In respect of chicken litter, slurry and AD digestate then the Agency has broad responsibilities under waste management legislation and protecting controlled waters (rivers and groundwater) from pollution. There are relatively complex regulations governing how the Agency determine if a material is classified as waste (therefore has to be transported by a licenced carrier and treated/reused or disposed of at a permitted waste facility) or is exempt and can be used for other purposes such as fertiliser. If material is to be spread on land for agricultural benefit then there are further controls and guidelines that the Agency imposes to protect land and water from contamination and over nitrification including many areas in Mid Devon controlled as Nitrate Vulnerable Zones.

Certain industry sectors (A1 installations) fall under the remit of the Environment Agency and include industrial processes like refineries, food and drink factories and intensive farming activities (e.g. large-scale chicken farms). They also include certain waste activities like disposing of waste to landfill, hazardous waste treatment and waste incineration. Smaller facilities (A2 or B installations) are normally dealt with by the local authority.

Where the only waste feedstock to an AD plant is agricultural manure and slurry or where non - waste feedstocks such as crops grown specifically for AD are used with the manure or slurry, the digestate output is not waste if it is used in the same way that undigested manure and slurry would normally be used, i.e. spread as a fertiliser on agricultural land, and would not need to be authorised by the Environment Agency (EA).

If other wastes such as food wastes are digested on their own or with manure, slurry or crops grown for AD, then the storage and spreading of the digestate on land will require authorisation (i.e. permit or exemption).

A quality protocol identifies the point at which waste, having been fully recovered, may be regarded as a non-waste product that can be used in specified markets, without the need for waste management controls. Quality protocols have been produced for a range of materials.

In order for an environmental permit to be granted, the EA must be satisfied that the activity will be operated in a manner so as to prevent pollution of the environment and harm to human health. The permit conditions indicate what needs to be done to prevent different types of pollution.

Standard rules environmental permits (SRPs) are available where the size/scale, location and types of operation are such that the Environment Agency has determined that the level of environmental risk from the operation is suitable for control by such an environmental permit. Where an AD facility does not meet the criteria for an exemption or an SRP, then a bespoke environmental permit (also known as a Tier 3 permit) will be required.

There is no formal consultation mechanism put in place locally by the Agency for Public Health and Regulatory Services or the Planning Authority to comment on the proposed integrated permits and conditions set out therein for relevant sites. To apply for environmental permit operators must demonstrate their technical competence. There are currently two approved schemes for England and Wales; the **CIWM/WAMITAB** scheme and the **ES/ EU Sector Skills** scheme.

Standard Rules govern the type of facility and category of waste. They enable anaerobic digester operators to carry out anaerobic digestion of wastes and also combustion of the resultant biogas in gas engines. They also cover the storage of waste.

The Quality Protocol and PAS110 sets out criteria for the production of quality outputs from anaerobic digestion of material that is biodegradable waste (bio-waste). Quality outputs from anaerobic digestion include the whole digestate, the separated fibre fraction and the separated liquor. If the criteria in the Quality Protocol are met (including certification to PAS110), quality outputs from anaerobic digestion will normally be regarded as having been fully recovered. This means that in those circumstances the use of the fully recovered material may not require an authorisation. Useful links are provided below:

<http://www.wrap.org.uk/content/bsi-pas-110-specification-digestate>

<https://www.gov.uk/government/publications/quality-protocol-anaerobic-digestate>

There are three levels of permitting (Exemption, Standard and Bespoke) that the Environment Agency can apply:

8.4.1 Exemption – for small scale, non-waste facilities

You are still required to register with the EA and provide some technical information. There are a number of activities that entitle you to an exemption:

T24 - anaerobic digestion at premises used for agriculture and burning of resultant biogas

There are specific waste types that can be used under this exemption (including manures, slurries and plant tissue) and a total quantity of waste treated or stored at any one time must not exceed 1,250 cubic meters. The appliance used must have a net rated thermal input of less than 0.4 megawatts.

T25 - anaerobic digestion at premises not used for agriculture and burning of resultant biogas

This exemption allows the treatment of food and other biodegradable wastes by anaerobic digestion to produce a digestate which can be used for providing benefit to land. The gas produced must be used for generating energy. You can store or treat up to 50 cubic meters of waste at any one time. Any biogas produced must be burned in an appliance with a net rated thermal input of less than 0.4 megawatts. With this exemption you cannot treat wastes that are animal by-products without an appropriate authorisation from the Animal Health and Plant Agency (APHA)

8.4.2 Standard – for plants which fit within a number of pre-defined standard rules, including throughput, output and nature of material being digested.

8.4.3 Bespoke – for all plants which do not comply with one or more of the standard rules. The permitting mechanism is more complex but such a permit is tailored to individual plant operations and may have wider coverage and controls in comparison to a different process where standard rules apply.

8.5 Permits for Spreading Digestate (Environment Agency)

Material that has reached **PAS 110** and **Quality Protocol standards** is no longer regarded as a waste. However, to spread waste material (prior to achieving PAS110 accreditation) to agricultural and non-agricultural land to confer benefit or ecological improvement you will have to apply for a permit or register for an exemption.

Spreading exemptions relate only to digestate produced under **T24** or **T25** with a quantity limit of 50 tonnes per hectare and a storage limit of 200 tonnes, at any one time.

U10 - spreading of digestate from pre-defined feedstock on agricultural land to confer benefit.

U11 - spreading of digestate from pre-defined feedstock on non-agricultural land to confer benefit.

There is a standard rule permit for spreading waste material to land (if you do not fit the criteria for an exemption). Standard permit SR2010 No.4 allows the spreading of no more than 250 tonnes per hectare and that no more than 3,000 tonnes of waste material is stored at any one time and for no longer than 12 months.

The Environment Agency has also issued guidance for **Seeding AD Plants** – to explain when a permit or exemption may apply during plant start-up.

8.6 Animal By-Products Regulations (APHA/AHVLA)

The Animal and Plant Health Agency (APHA) was formed in 2014 and consists of the Inspectorates from the Food and Environment Research Agency (FERA) including the Bee Inspectorate, Plant Health and Seeds Inspectorate, Plant Variety and Seeds Group and the GM Inspectorate as well as the Animal Health and Veterinary Laboratories Agency (AHVLA).

Animal by-products (ABPs) are animal carcasses, parts of carcasses or products of animal origin that are not intended for human consumption. The **Animal By-Products Regulations (ABPR)** permit the treatment in approved composting and

biogas premises of low-risk (category 3) ABPs and catering waste which contains meat or which comes from a premises handling meat.

High risk (Category 2) ABPs cannot be used as feedstock in biogas plants, except where they have first been rendered to the 133°C/3 bar/20 minute EU pressure-rendering standards.

Manure and digestive tract content are classified as a category 2 ABP, but they can be used without processing as raw material in a biogas plant. However, where manure or digestive tract content is sent to a biogas plant for treatment with other ABPs (including catering waste) the plant **must** be approved and the mixture treated to approved standards.

Generally speaking, where AD plants are treating animal by-products, including waste food, they will need an approval from the Animal Health Veterinary Lab Agency (AHVLA) under Animal By-Products legislation. Regulation (EC) 1069/2009 on the handling and use of animal by-products permits the use in AD of low-risk animal by-products which are essentially material passed fit for purpose, but no longer intended for human consumption.

High-risk material such as dead/fallen stock cannot be used in AD. Permissible AD plant treatment and hygiene standards are set out in the Implementing Regulation (EC)142/2011. The EU rules are administered and enforced in England by the Animal By-Products (Enforcement England) Regulations 2011 (SI 2011/881). There are certain limited exceptions where AD plants treating animal by-products, including food waste, will not need to have an approval from AHVLA. These include AD plants treating food waste on the premises of origin, and there is a small list of animal by-products that can be used in AD without needing an AHVLA approval, including manure, milk and milk products and colostrum.

Digestate derived from AD plants treating animal by-products and approved by AHVLA is subject to a grazing ban once the digestate is used on land. Livestock must not be allowed access to the land during this time period.

8.7 Health and Safety (HSE)

Under the Control of Major Hazards Regulations 2015 (COMAH) the HSE regulate major hazards by working jointly, as a competent authority, with the Environment Agency, Local Authorities and other regulatory bodies.

Anaerobic digestion can be regarded as a chemical process with all the associated risks: flammable atmospheres, fire and explosion, toxic gases, confined spaces, asphyxiation, pressure systems, COSHH, etc. In addition, it also incorporates gas handling and gas storage. Therefore, it is essential that thorough hazard and risk assessments are carried out at each stage of a project from design to installation to commissioning to implementation and operation.

8.8 The Renewable Energy Association (REA)

The Renewable Energy Association (REA) operates a Safety Alert service to incidents affecting safety and the environment that have occurred in the Anaerobic Digestion and bio-waste industries. Serious incidents related to slurries and manures on farms outside the industry will also be included. The service is intended to raise

standards and reduce incidents by building trust across the industry to report, share and learn. The REA Safety Alert demonstrates that the industry is aware of the importance of safety and environmental standards and is prepared to take continuous measures to improve performance.

8.9 Health and Well-being (Public Health England)

Public Health England (PHE) is an executive agency of the Department of Health and Social Care. It has relatively few direct enforcement powers and is largely an advisory and policy body. Its overall function is to protect and improve the national health and wellbeing, and reduce health inequalities. The organisation employs scientists, specialists and researchers to provide expert public health advice. As such, local authorities and NHS bodies with direct health responsibilities such as Directors of Public Health, Public Health consultants, Environmental Health Officers and Medical Clinicians can use PHE to provide authoritative opinion of local public health concerns and specific case issues. In the context of AD and related activities, the Mid Devon Environmental Health team has sought advice from PHE in respect of potential health impacts arising from the storage and spreading of AD digestate.

9. Feed in Tariffs (FIT)

The FIT started in April 2010. It supports anaerobic digestion, onshore wind, hydro and solar PV projects up to 5MW in capacity, as well as small scale fossil-fuel CHP (capped at a certain number of installations).

The scheme requires certain licensed electricity suppliers to pay eligible installations for the generation and export of renewable and low carbon electricity.

The FIT scheme, introduced by the Department of Energy and Climate Change (DECC) (now known as the Department for Business, Energy and Industrial Strategy [BEIS]), is administered by the Gas and Electricity Markets Authority (the Authority), which is assisted in its day-to-day functions by the Office of Gas and Electricity Markets (Ofgem).

Ofgem has since produced **Guidance on sustainability criteria and feedstock restrictions** for anaerobic digestion (AD) generators in England, Scotland and Wales accredited on the Feed-in Tariffs scheme. It explains how to demonstrate compliance with the sustainability criteria and feedstock restrictions which came into force on 1 May 2017¹.

From 1 May 2017 generators of all new anaerobic digestion (AD) eligible installations will have to comply with sustainability requirements and will have their FIT generation payments limited according to feedstock type. Tariff payments are scheduled to fall as per the table below which may impact upon the further expansion of AD plants.

Table 2 New FIT payments from April 2017 (quarterly)

Generation Tariffs p/kWh (2017 prices)	Apr-2017	Jul-2017	Oct-2017	Jan-2018	Apr-2018	Jul-2018	Oct-2018	Jan-2019
0 – 250 kW	6.93	6.88	6.83	6.78	6.73	6.68	6.63	6.58
250 – 500 kW	6.56	6.51	6.47	6.43	6.38	6.34	6.30	6.25
500 - 5000 kW	2.49	2.45	2.42	2.38	2.35	2.31	2.27	2.24

10. Regional and local monitoring

The Environment Agency (EA) responded to a Freedom of Information request for AD plant complaints and incidents in Devon and Cornwall (Appendix A) for installations under its regulation. These only relate to incidents directly associated with installation (plant) activities. In respect of the Mid Devon area the EA provided the following information.

Menchine Farm, Nomansland, Tiverton, Devon, EX16 8NP

Between 5/12/2014 and 9/4/2017 17 incidents were reported:

2 x exceeding daily limit / working at night / brought >5 miles from site.

1 x stockpiles of chicken litter

3 x pollution in River Dalch

6 x noise

3 x spreading of digestate over hedges from the highway and pooling in the field

1 x fly infestation

1 x leeching

Broadoak Farm, Clyst Hydon, Cullompton, EX15 2NH

No reported incidents

Hartnoll Farm, Crown Hill, Halberton, Tiverton, EX16 7AY

July 17 – report that someone was spreading digestive from a bio plant using a splash plate rather than a dribble bar.

11. Health and Environmental Impact

The main risk to health from the slurry and digestate is from the release of Hydrogen Sulphide, Ammonia and Methane. In mitigating these risks the Environment Agency imposes control measures through its permitting system.

11.1 Ammonia

The toxic effects of ammonia gas can result in the damage and death of plants. Some species are very sensitive to high ammonia levels.

Lichens and mosses (lower plants) are the most sensitive, but there is also evidence of a damaging effect on some trees and shrubs (higher plants). The nitrogen component of ammonia settles out (known as 'nitrogen deposition') on land causing

a fertilising effect. This leads to an increase in nitrogen-loving plant species. These species out-compete species more characteristic of the natural environment, especially those which are sensitive to increased nitrogen.

There is a growing body of evidence available to show that ammonia leads to changes in the natural environment, both locally on nature conservation sites and on a large scale across England and Wales. Damage and loss of the most sensitive species is often the first ecological change identified when ammonia levels increase. At higher levels of nitrogen deposition, species diversity generally reduces, particularly in the most sensitive habitats. This is seen as a shift towards more nitrogen-loving species, and a reduction in sensitive species characteristic of semi-natural habitats in England and Wales.

High ammonia levels in the countryside can have an impact on human health and some people have more sensitivity to it. However, it is worth clarifying how ubiquitous ammonia and its sources are in rural, agricultural areas due to ammonia based fertilizers, nitrate rich slurries and other agricultural by-products and emissions from animals etc. Further to this domestic pets can contribute to localised levels of ammonia within the home.

Agriculture is the main source of ammonia emissions to the atmosphere. In 2008, agriculture contributed about 90% of the 281 kilo-tonnes released in the UK. Of this, cattle are the major contributor, releasing approximately 47% of the UK total. Pigs and poultry contribute about 18% of the UK total. The ammonia arises mainly from the decomposition of animal wastes².

11.2 Hydrogen Sulphide

Hydrogen sulphide is one of the key compounds in the natural cycle of sulphur in the environment. It is produced during the decay of plant and animal protein and it occurs in volcanic gases.

Hydrogen sulphide is a gas therefore it is most likely to be breathed in. Skin and eye contact may also occur. The nervous system and cardiovascular system are most affected by hydrogen sulphide, leading to a range of symptoms. Single exposures to high concentrations may rapidly cause breathing difficulties and death.

Skin exposure may also occur, which may cause discolouration, pain, itching, redness of skin and local frostbite. Eye exposure may cause irritation, inflammation, tearing, sensitivity to light and conjunctivitis.

11.3 Methane

Methane is produced naturally by volcanoes, ruminant animals such as cattle and sheep, decaying plants, extraction of natural gas, coal mining and waste disposal such as landfills. It is a major 'greenhouse gas' that results from such human activities.

High levels of methane can displace oxygen in the air and cause oxygen deprivation, which can lead to suffocation. Breathing high levels of the gas can also lead to agitation, slurred speech, nausea, vomiting, facial flushing and headache. In severe cases, breathing and heart complications, coma and death may occur.

11.4 Pathogens

Research about the level of pathogens in digestate, slurry and soil that could potentially be harmful to humans and the environment is well documented and is an ongoing field of research.

A Literature review on levels of pathogens and their abatement in sludges, soil and treated Biowaste (A.S. Lepeuple, G. Gaval, M. Jovic and M.R. de Roubin)³ deals with the occurrence of pathogens and their abatement. This work has been carried out with financial support from the following EU Member States: UK, Germany, France, Italy, Spain, Nordic countries, Netherlands, Denmark, Austria, EU DG XI and JRC, Ispra (The European Commission's Science and Knowledge Service).

In this literature review they have determined the main pathogens found in Sludge, Biowaste and soil. The different strategies for checking the quality of the final product before land spreading or demonstrating the pathogen removal efficiency of a process are presented and then the literature on the influences of different treatment processes on the abatement of micro-organisms is summarised.

Pathogens studied were those that present a risk for human, animal or plant health, of which there are five classes; bacteria, viruses, yeast, fungi and parasites (protozoa and helminths). Livestock faecal wastes may contain pathogenic microorganisms such as *Listeria*, *Campylobacter*, *Salmonella*, *Escherichia coli* 0157, *Cryptosporidium* and *Giardia*.

Several factors such as heat, moisture, and pH can influence pathogen reduction. Heat treatment inactivates pathogens such as enteric viruses, *Salmonella*, *Cryptosporidium* oocysts and viable helminth eggs when heat is coupled with drying.

Thermophilic anaerobic digestion of at least 55°C has a good impact on pathogens while mesophilic anaerobic digestion does not inactivate all pathogens. *Aerobic* digestion seems to be quite more efficient on total and faecal coliforms than anaerobic digestion. The review states that mesophilic anaerobic digestion induces a pathogen reduction of 99% whereas thermophilic anaerobic digestion ensures a reduction of pathogen of 99.99%.

Another consideration is that microbiological diversity is linked to climates, regions, and types of bio-wastes, type and origin of soils, fertilisers and growing media.

11.5 Nitrate Vulnerable Zones

Nitrate Vulnerable Zones (NVZs) are areas designated as being at risk from agricultural nitrate pollution. They include about 58% of land in England. The Department for Environment, Food and Rural Affairs (Defra) reviews NVZs every 4 years to account for changes in water pollution.

Large areas of Mid Devon (to the north and east) are designated Eutrophic NVZs and there are large areas to the west that are designated Surface Water NVZ areas⁴.

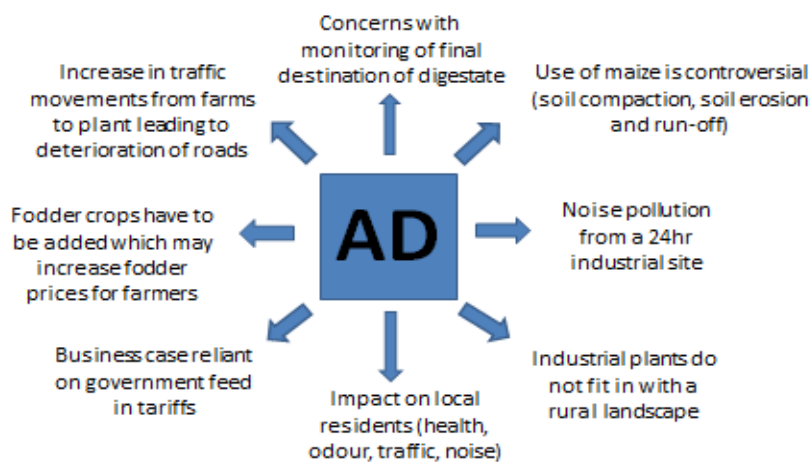
11.6 Land use

The use of good agricultural land for the purpose of providing crops for the production of energy has been questioned. There are compelling arguments for and against. Maize has a high yield in terms of energy output via the anaerobic digestion

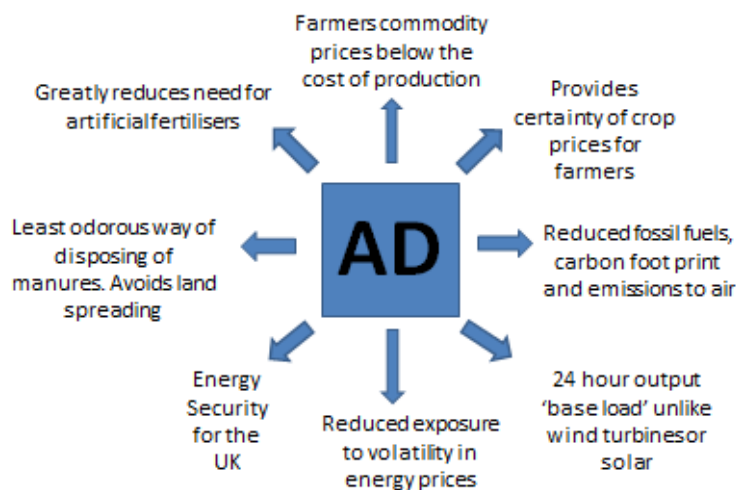
process however there are concerns that for soils in the Devon area this is not a desirable crop to grow. The growing of crops for anaerobic digestion may result in higher feedstock prices for farmers as they compete with the AD industry for land to grow crops for feeding livestock. Granting permission for AD plants should take into account the local need for agricultural land. In planning terms a feedstock crop for use in an anaerobic digester is still an agricultural use of land.

12. Pros and Cons of AD

The disadvantages of AD



The advantages of AD



13. Government position on Anaerobic Digestion 2015

In 2015 Department of Environment Food and Rural Affairs (DEFRA) and the Department of Energy and Climate Change (DECC) released their Anaerobic Digestion Strategy and Action Plan⁵ which confirms the Government's commitment to work towards a 'zero waste' economy and to introduce measures to increase energy from waste through anaerobic digestion (AD).

The Government's Structural Reform Plans of 16 July 2010 included an action to 'set out steps to promote increased energy from waste through anaerobic digestion'. DEFRA incorporated this into its Business Plan and published on 30 November 2010 a Framework Document which aimed to set out the steps necessary to increase energy from waste through anaerobic digestion. A total of £10m over 4 years was initially made available to provide debt finance to stimulate investment in additional Anaerobic Digestion (AD) capacity.

To facilitate the growth of AD the Environment Agency developed revised standard rule permits. This made the granting of a permit easier and quicker for those applicants who could meet the standard rules. A key issue noted in the strategy concerned the existing regulatory framework for AD and that it needed to ensure that the balance between encouraging growth of the industry and the requirement to protect human health and the environment (including animal health) is well understood. Also noted was the need to fully comprehend the competing priorities of land use, environment and biodiversity and the interconnection with feedstocks for on-farm AD plants.

14. Resident concerns

At the time of writing this report concerns have been communicated to Mid Devon District Council, directly to officers and through the scrutiny committee process, in relation to activities *associated* with AD plants, specifically the spreading and storage of digestate. It is not the aim of this report to provide comment on these activities or validate the concerns; nevertheless, it is worth acknowledging these concerns and take account of what investigations have revealed.

The issue has been borne out of a longstanding dispute involving the storage and spreading of digestate. An open slurry pit is used as a final storage point for subsequent on-farm land spreading of slurry and/or digestate for agricultural benefit. The facility does not require a permit from the Environment Agency. The slurry pit has historic planning permission.

During 2016, concerns were raised by residents of the potential health impact of mixed materials being stored at and spread locally. That work is a matter of record for the Scrutiny Committee

15. Recommendations

The following recommendations were made:

1. That a formal request is made to the Environment Agency that Mid Devon District Council (Planning and Public Health) are consultees on Environmental Permitting. This includes input in on-site and off-site odour or other nuisance management plans and digestate spreading protocols relevant to AD permit applications.
2. That where enforcement issues are raised with an AD plant or associated activities (for example through complaints and service requests or routine inspections), coordination takes place between relevant agencies and Mid Devon District Council.
3. That Mid Devon District Council pro-actively liaises with all stakeholders (residents, operators, and agencies) to ensure local issues are dealt with as fairly and openly as legally permissible.

16. Appendix A - Environment Agency Position Statement

Anaerobic digestion of agricultural manure and slurry

Anaerobic Digestion (AD) is a process which harnesses natural bacteria to treat biodegradable materials such as agricultural manure and slurry, food waste and sewage sludge. The AD process produces a methane rich biogas which can be captured and used to generate electricity and heat and the digestate residue can be beneficially applied to farmland as fertiliser or as a soil conditioner. We support the use of AD as a means of diverting biodegradable wastes from landfill, recovering value from them and reducing greenhouse gas emissions.

This note updates and replaces our briefing note issued in December 2008, following changes introduced by the Environmental Permitting (England & Wales) Regulations 2010. It sets out how we will apply waste regulatory controls to the AD of agricultural manure and slurry and the use of the resulting digestate as a fertiliser on agricultural land in England and Wales.

Our position

Agricultural manure and slurry is not considered waste when it is used directly as a fertiliser on land. When agricultural manure or slurry is destined for a treatment process for example composting or AD, it is waste and will be subject to regulatory control.

Digestate

When the feedstock to an AD plant is waste the resulting digestate and biogas are waste until put to their final use. We have taken a different approach for agricultural manure and slurry because we recognise that the digestate produced from manure and slurry has improved fertilising properties and will have less of an environmental impact than undigested manure and slurry.

We do not consider the AD digestate output to be waste if:

- the only waste feedstock to an AD plant is agricultural manure and slurry and it is spread as a fertiliser on agricultural land
- agricultural manure and slurry is mixed with a non-waste feedstock e.g. crops grown specifically for AD and it is spread as a fertiliser on agricultural land.

If the manure and slurry feedstock is mixed with other waste feedstocks, then the resultant digestate will be waste and subject to environmental permitting controls.

17. Appendix B - Incidents related to Anaerobic Digestion Plants Devon and Cornwall 2000 to date.

Ref No	Date/Time First Reported	Site	Cause
00166136	16/06/2003 10:38	Holsworthy	Control Measure Failure
00179283	05/08/2003 12:25	Holsworthy	Not Identified
00185205	26/08/2003 17:04	Holsworthy	Normal Operation
00185475	27/08/2003 18:13	Holsworthy	Control Measure Failure
00186071	29/08/2003 16:05	Holsworthy	Unauthorised Discharge or Disposal
00186527	01/09/2003 12:45	Holsworthy	Other Unauthorised Activity
00186541	01/09/2003 14:07	Holsworthy	Unauthorised Discharge or Disposal
00189445	12/09/2003 14:50	Holsworthy	Control Measure Failure
00196935	18/10/2003 12:46	Holsworthy	Control Measure Failure
00236339	13/05/2004 10:02	Holsworthy	Other Unauthorised Activity
00238596 (M)	21/05/2004 09:00	Holsworthy	Other
00257168 (M)	07/08/2004 10:48	Holsworthy	Overfilling of Tank or Container (Bunded)
00268276 (M)	07/09/2004 09:51	Holsworthy	Other Unauthorised Activity
00313439	18/05/2005 09:45	Holsworthy	Other Unauthorised Activity
00325072 (M)	28/06/2005 09:31	Holsworthy	Other Authorised Activity
00338338	15/08/2005 15:03	Holsworthy	Other Unauthorised Activity
00347929	21/09/2005 10:03	Holsworthy	Other Authorised Activity
00353202	13/10/2005 12:15	Holsworthy	Control Measure Failure
00405498 (M)	08/06/2006 14:45	Holsworthy	Abnormal Process Operation
00443967	17/10/2006 13:33	Holsworthy	Abnormal Process Operation
00445314	23/10/2006 12:30	Holsworthy	Abnormal Process Operation
00447320 (M)	31/10/2006 20:31	Holsworthy	Unauthorised Discharge or Disposal
00559770 (M)	26/01/2008 12:35	Holsworthy	Storage Tank or Container Failure (Unbunded)
00671703	20/04/2009 09:16	Holsworthy	Accidental Spillage
00674090	27/04/2009 10:06	Holsworthy	Not Identified
00697503	13/07/2009 11:16	Holsworthy	Control System

00903899	18/07/2011 09:12	Langage	Failure
00949702	22/12/2011 16:30	Langage	Not Identified
00957428 (M)	26/01/2012 14:28	Langage	Not Identified
00964689	23/02/2012 11:30	Langage	Other Inadequate Control or Containment
00965112	27/02/2012 10:11	Langage	Other Inadequate Control or Containment
00994524	25/05/2012 13:46	Langage	Other
01005676	25/06/2012 21:16	Langage	Other Authorised Activity
01008863	04/07/2012 17:00	Langage	Not Identified
01017276	24/07/2012 08:27	Langage	Not Identified
01026127	14/08/2012 14:11	Langage	Not Identified
01029186 (M)	21/08/2012 11:57	Langage	Control System Failure
01031222	27/08/2012 23:57	Langage	Abnormal Process Operation
01034635 (M)	06/09/2012 12:03	Langage	Other Authorised Activity
01118764 (M)	04/06/2013 14:37	Langage	Other Authorised Activity
01263192 (M)	30/07/2014 15:34	Langage	Other
01305838	12/01/2015 08:57	Menchine	Other Inadequate Control or Containment
01312952	11/02/2015 08:34	Fraddon	Control System Failure
01312953	11/02/2015 08:41	Fraddon	Other Authorised Activity
01313009 (M)	10/02/2015 14:47	Menchine	Control Measure Failure
01325449	02/04/2015 11:36	Fraddon	Other
01330260 (M)	20/04/2015 09:00	Fraddon	Abnormal Process Operation
01331925	24/04/2015 12:40	Fraddon	Abnormal Process Operation
01343166	08/06/2015 08:47	Menchine	Other
01348462	25/06/2015 14:13	Holsworthy	Control System Failure
01349432 (M)	29/06/2015 11:04	Fraddon	Other Authorised Activity
01357268	21/07/2015 17:42	Menchine	Control Measure Failure
01365888	19/08/2015 09:09	Fraddon	Abnormal Process Operation
01372872	11/09/2015 10:38	Enfield	Pipe Failure above ground
01373623	16/09/2015 16:15	Holsworthy	Storage Tank or Container Failure (Bunded)
01386872 (M)	10/11/2015 10:20	Fraddon	Other Authorised Activity

01392515 (M)	05/12/2015 15:02	Fraddon	Abnormal Process Operation
01393999 (M)	11/12/2015 17:54	Fraddon	Other Authorised
01403918	18/01/2016 16:31	Holsworthy	Storage Tank or Container Failure (Bunded)
01409571	08/02/2016 15:55	Enfield	Pipe Failure above ground
01411036	13/02/2016 20:30	Fraddon	Control System Failure
01438673 (M)	27/05/2016 10:24	Fraddon	Abnormal Process Operation
01454225 (M)	19/07/2016 18:38	Fraddon	Other Inadequate Control or Containment
01461334	12/08/2016 07:35	Enfield	Other Fire
01469040	07/09/2016 12:13	Fraddon	Abnormal Process Operation
01478084	12/10/2016 11:26	Fraddon	Other Authorised Activity
01481656	30/10/2016 09:04	Fraddon	Control Measure Failure
01484200	11/11/2016 09:50	Enfield	Storage Tank or Container Failure (Bunded)
01485068	16/11/2016 10:00	Enfield	Other
01488113	30/11/2016 14:34	Fraddon	Not Identified
01488136	30/11/2016 15:27	Enfield	Abnormal Process Operation
01490583 (M)	12/12/2016 23:39	Fraddon	Other Authorised Activity
01491379 (M)	16/12/2016 16:32	Fraddon	Other Authorised Activity
01494109	04/01/2017 09:02	Great Hele Barton	Overfilling of Tank or Container (Bunded)
01495698 (M)	15/01/2017 00:16	Enfield	Other
01497016 (M)	22/01/2017 15:28	Fraddon	Normal Operation
01510801 (M)	27/03/2017 10:30	Fraddon	Other Authorised Activity
01516373 (M)	18/04/2017 09:38	Fraddon	Other Inadequate Control or Containment
01517879	22/04/2017 22:20	Enfield	Other
01524216	19/05/2017 11:04	Enfield	Control System Failure
01530492	13/06/2017 00:18	Enfield	Other Authorised Activity
01557517 (M)	26/09/2017 09:02	Fraddon	Abnormal Process Operation

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¹ https://www.ofgem.gov.uk/system/files/docs/2017/05/feed-in_tariffs_guidance_on_sustainability_criteria_and_feedstock_restrictions.pdf

² http://webarchive.nationalarchives.gov.uk/20140328145728/http://www.environment-agency.gov.uk/static/documents/Business/Ammonia_fact_sheet.pdf

³ Lepeuple, Anne-Sophie & Gaval, G & Jovic, M & de Roubin, Marie-Renée. (2018). Literature review on levels of pathogens and their abatement in sludges, soil and treated bio-waste.

⁴ <http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683&y=355134&scale=1&layerGroups=default&ep=map&textonly=off&lang=en&topic=nvz#x=308736&y=101995&lg=1,10&scale=4>

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69400/anaerobic-digestion-strat-action-plan.pdf

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<https://www.gov.uk/government/policies/waste-and-recycling>

<https://www.gov.uk/government/publications/ammonia-properties-incident-management-and-toxicology>

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Scrutiny Committee 10 September 2018

Review of District wide Local Improvement Schemes

Cabinet Member: Cllr Ray Stanley
Responsible Officer: Andrew Jarrett, Deputy Chief Executive (S151)

Reason for Report: To provide Members with a report on historic District-wide Local Improvements Schemes and their associated liability.

RECOMMENDATION: To recommend to Cabinet that the work procedure detailed in item 4.0 is implemented.

Relationship to Corporate Plan: All property assets need to be linked to the delivery, vision and priorities of the Council. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered as well as maximising the value derived from our property holdings for the on-going contribution in balancing the Councils budgets.

Financial Implications: The use of s106 monies should be investigated for the essential upgrade or replacement of historic Local Improvement Scheme assets, sinking funds were not established.

Legal Implications: A local authority has certain obligations in respect of land which it owns or manages. It may also have ongoing maintenance obligations for equipment it has installed on third party land. However, the precise position will depend on the circumstances of each case, including whether liability has been transferred to another. Unless specifically provided, whether by agreement or by law, an obligation to maintain is not to be read as an obligation to replace or improve. Each case will have to be considered carefully, as indicated by the proposed procedure.

Risk Assessment: Risk assessments will need to be carried out on individual Local Improvement Schemes to mitigate risks to the Council and to inform our insurance provider.

Equality Impact Assessment: To form part of the risk assessment process.

1.0 Introduction

1.1 The report follows the Scrutiny Committee meeting dated 18 June 2018 and the request from Cllr J Roach to review the maintenance implications on historic Local Improvement Schemes which were commissioned by Mid Devon District Council between 2003 and 2004. The ownership of the footpath lighting scheme at Silverdale in Silverton, discussed at the Committee, has been investigated and it has revealed that it is not within the Council's ownership and is owned privately by two separate persons. In addition, the condition of the footpath is inspected by Devon County Council on a three year cycle.

- 1.2 The light fittings on the footpath in Silverton are an example of where the Council committed Capital expenditure for a Local Improvement Scheme on land that is not within the ownership of the Council, the light fittings have now reached end of life, requiring circa £6k to replace the light fittings and a sinking fund was not established as part of the Capital scheme. The 2018-19 financial budgets for maintenance is not able to meet this level of expenditure. Property Service are not currently aware of any legal obligation to replace the lighting and equipment should be considered for removal once it becomes beyond repair for safety reasons.

2.0 Background

- 2.1 In 2003 a working group provided a report to the Community Services Committee on a number of projects that became part of the Capital Programme.
- 2.2 The list of schemes are under review by the Property Services team to confirm which of the 95 were completed and included an initial assessment on which of the 95 schemes could expose the Council to any risk.
- 2.3 The corporate risk register will be updated where Legal and Property Services consider that the Council has on going liability for maintenance and safety inspections. Budget is not available for essential maintenance on historic Local Improvement Schemes.
- 2.4 S106 monies could and will be considered for the upgrade or replacement of end of life assets on Local Improvement Schemes subject to consultation with Ward Members and Town and Parish Councils.

3.0 Asset Management

- 3.1 The Asset Management and Capital Strategy Plan 2016-2020 (AMP) details how the Council manages our Estate and describes how we shall treat all properties as a Council asset and how they will be managed strategically by the Property Services Team. The AMP places our Property Assets at the centre of Council decision-making, acknowledging the importance and financial value. Therefore, it is important that the historic Local Improvement Schemes are recorded onto the Land Management database to ensure that officers are aware of the assets and are managed in line with the AMP and associated condition surveys are maintained. The Capital Strategy Asset Group (CSAG) will also be made aware of the historic schemes.
- 3.2 Where an historic asset is retained, the asset will need to be identified for managed decline through to its removal at the end of its life expectancy.

4.0 Work Procedure

- 4.1 It is now necessary for Property Services to implement a work procedure to protect the Council and to manage any risk. This procedure will consider our Asset Management Plan and includes the following action:
 - 4.1.1 To determine if the improvement scheme is on Council land and to update the ownership layer on the land management database (CAPS).
 - 4.1.2 To work with Legal Services to determine liability.
 - 4.1.3 Where the Council has liability, arrange site inspections and inform other services if applicable and record.
 - 4.1.4 To provide the Finance team with the details of the asset and associated cost pressure for investigation and inspection work.
 - 4.1.5 Liaise with the s106 officer to determine funding for essential upgrade or replacement work.
 - 4.1.6 Provide a briefing note to the Ward Member for where the asset is located.
 - 4.1.7 To provide the Insurance Officer with details of the asset so any necessary amendments to insurance documents can be made.
 - 4.1.8 To ask the Capital Strategy Asset Group to review historic improvement schemes at its next meeting in October 2018.

5.0 Conclusion

- 5.1 To ensure that the Capital expenditure committed in 2003 is protected and the original intention of the Local Improvement Scheme continues and any risk to the Council controlled, it is important that the procedure detailed in 4.0 is immediately implemented.

Contact for more information: Andrew Busby Group Manager Corporate Property and Commercial Assets (01884 234948 / abusby@middevon.gov.uk).

Circulation of the Report: Distribution of the report Cllr Ray Stanley, Leadership Team.

ASSET MANAGEMENT AND CAPITAL STRATEGY PLAN 2016 - 2020

Mid Devon District Council

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FOREWORD:

Property Services provide accommodation for services within the Council and its businesses, lead on construction elements of the property capital programme, ensure statutory compliance of the estate and undertake a broad range of estate and strategic management activities.

Through the delivery of repairs and maintenance, we ensure the Council meets its statutory building compliance responsibilities and duty of care under relevant health and safety legislation, in addition to maintaining pathways and roads, hard landscaping, sewage works and retaining walls. We also develop existing assets and land to create affordable homes to replace assets lost under the Right To Buy scheme.

Building on Strong Foundations: A Framework for Local Authority Asset Management document published by the Department for Communities and Local Government lists the following potential benefits of good asset management:

- Deliver exceptional services for citizens, aligned with locally agreed priorities, whilst focusing investment clearly on need.
- Empower communities and stimulate debate.
- Improve the economic well-being of an area.
- Ensure that, once built, assets are correctly maintained.
- Introduce new working practices and trigger cultural organisational changes.
- Reduce carbon emissions and improve environmental sustainability.
- Increase co-location, partnership working and sharing of knowledge.
- Improve the accessibility of services and ensure compliance with the latest version of the Disability Equality Act 2010.
- Generate efficiency gains, capital receipts or an income stream.
- Improve the quality of information available to the public.

The value of the assets we manage have a total net value of around £40 million. Property Services are responsible for an operational budget, currently £1.2 million, as well as providing services that come under other operational budgets.

Our service consists of a wide range of assets including Land, Car Parks and Property. We provide services to approximately 96 locations comprising Leisure and Sport Centres, Corporate Offices, a Multi-Storey Car Park, Industrial Units, Shops, Public Conveniences, Car Parks, Listed Buildings and Paddling Pools and undertake construction of Play Areas, Skateboard Parks and other recreational leisure facilities. Our service also manages the Market Walk shopping precinct lease maintenance (Landlord contract).

Councillor Clive Eginton

Leader, Mid Devon District Council

Councillor Ray Stanley

Portfolio Holder for Housing & Property Services

Mid Devon District Council

Nick Sanderson

Head of Housing and Property Services

Mid Devon District Council

1 Introduction

The Asset Management Plan (AMP) sets out the Council's approach to the Strategic Management of its land and building assets. It is developed in consultation with the Senior Officers and Members of the Council that form the Capital Strategy Asset Management Group (CSAG). The AMP seeks to ensure that assets are used in the most effective and efficient way to support the delivery of the Corporate Plan.

Property Services Business Plan Mission Statement

“To maximise the value derived from our property holdings for the community by delivering a sustainable and efficient corporate property service that meets our stakeholders’ needs and be recognised as a forward-thinking, proactive service.”

The main strategic document for the Council is the Corporate Plan and this document sets out the Council's vision, values and priorities. This particular document is the 'umbrella' for a number of documents which, together, support the Corporate Strategy. For further information see the Corporate Plan on our website.

The Capital Strategy Asset Management Group (CSAG) function involves key Council services and the role of the CSAG is key to ensure that there is an effective dialogue on asset management issues across the Council. The CSAG ensures there is insight into individual council services, together with a clear understanding of corporate goals and objectives. The group consists of officers and Members who follow and agreed process which ensures the estate is managed effectively and any disposals reflect value for money.

2 The Benefits of Property Asset Management Planning

Property assets should be linked to the delivery, vision and priorities of the organisation. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered to the public.

While the Council's policy relating to the disposal and acquisition of public open space is under review, all land acquisition via the s106 process will be considered by the CSAG group before any legal agreement is authorised.

Community Asset Transfer: Establishment of clear procedural policies including option appraisal. (Appendix 2)

Condition of the existing Estate:

- **i Running Costs** - Alignment of operating costs with a dedicated property code to enable analysis. Data will be extracted then to inform and shape the property reviews.
- **ii Condition Surveys** - Carried out on non-housing stock on rolling basis. (Appendix 3) Planned maintenance programme now in place.
- **iii Statutory Compliance** - There is a programme of statutory inspections and surveys in place.

Data Management:

Comprehensive property database now established to combine property, financial and management information. We plan to review asset management software as per Appendix 5.

Tenanted non-residential property (TNRP) Review (Appendix 4):

The CSAG will review asset ownership through an assessment of efficiency, effectiveness and affordability. This will ensure that this part of the estate is fit for purpose. Assets that do not fulfil the Council’s strategic priorities and/or do not provide a positive rate of return, could be sold or transferred to Town and Parish councils.

Financial Management:

- **i** Continued development of Capital Programme links to the AMP and capital monitoring.
- **ii** Implement Whole Life Appraisal – a systematic assessment of all relevant expenses, income and performance associated with the acquisition, procurement, ownership, refurbishment and potential disposal of an asset over its life thus allowing the Council to plan our medium and long term financial commitments.

Performance Management:

Development of performance measures in relation to assets that evaluate asset use in relation to corporate objectives. This will be undertaken in tandem with assessing property management software tools.

3 Corporate Asset Objectives

The overall objective of the Council in the management of its property portfolio is to utilise and manage its land and property assets in accordance with the principles of Best Value; so as to enable high quality services to be provided to our stakeholders. Property can drive corporate objectives and organisational change; this is achieved by recognising and adopting the following objectives to:

- ensure that retained assets are suitable for their proposed/existing use, are fit for purpose, represent value for money and support improved service delivery.
- provide an appropriate, attractive, secure and safe working environment that motivates employees.
- minimise, in all respects, the impact of the Council’s buildings on the environment throughout their life.

- ensure the Council's property assets comply with Statutory/Regulatory Codes and are managed efficiently.
- ensure that the disposal of surplus assets links with the Medium Term Capital and Revenue Financial Plans.
- identify land for Affordable Housing developments.
- identify commercial opportunities that provide a financial benefit.

4 Portfolio overview - what does the Council own?

Mid Devon District Council holds a wide and varied portfolio of Property and Building Assets comprising non-residential properties and areas of open space with a net book value in the region of £40 Million.

The Council's portfolio can be split into three main areas as shown below:

- 1 For the purpose of direct service delivery, such as parks, open spaces and leisure centres.
- 2 To support service delivery, for example administrative offices and depots.
- 3 Tenanted non-residential property. This part of the portfolio is varied and assets have been made available for a range of uses; such as the potential to contribute to future regeneration schemes, provide employment, or to retain control over property use. In addition, some properties in the portfolio provide valuable revenue income such as our Market Walk and Fore Street Tiverton properties.

However, the housing stock is managed by the Housing Service and is subject to its own Housing Strategy and Housing Revenue Account Business Plan. The management of these assets is outside the scope of this Asset Management Plan.

5 Organisational Framework for Asset Management

5.1 The overall monitoring of the AMP and corporate asset management initiatives is the responsibility of the Cabinet. The Cabinet considers the

Council's AMP and in so doing it looks to ensure that value for money and good practice criteria are addressed. These are set out below:

- Links between corporate objectives and property priorities.
- Full involvement of all service areas either through service/asset reviews or at an appropriately senior level at CSAG.
- Clear distinction between strategic and operational decision making - the AMP does not look to address detailed issues concerning individual assets. It serves to provide a framework within which those types of issues can be considered.

5.2 Corporate Management - Responsibility for the corporate management of the Authority's property assets rests with the Head of Housing and Property Services who is a member of the Management Team and reports to the Cabinet Member for Housing & Property Services.

5.3 The Head of Service has authority to undertake all required developments in asset management once this has been delegated by Cabinet. His role and responsibilities are defined, and have been communicated to all concerned in the management and use of property throughout the Authority.

5.4 The Capital Strategy Asset Management Group - The Council has set up a cross-service forum to promote the effective management of the Council's land and buildings. CSAG is chaired by the Head of Housing and Property Services or the Estates Manager with the balance of the forum made up of Cabinet Members and senior representatives at head of service level. The Estates Manager acts as an internal project manager in respect of the preparation and monitoring of the Asset Management Plan.

5.5 To ensure continued inter-department consultation and a corporate approach to proposals for effecting the Council's land and buildings.

5.6 The Group meets on a quarterly basis. The minutes of each meeting are kept confidential due to commercially sensitive information/discussion.

5.7 Service Departments in areas affected by Asset Management Reviews are consulted and any resultant actions are reported back to the CSAG.

5.8 To support the development and monitoring of the capital programme and the Council's medium-term financial plan.

The CSAG group provides linkage to the Council's capital strategy by monitoring the current year's capital programme and developing the programme for future years, through the Head of Finance, that includes:

- Corporate Property Asset Management Plan
- Identification of property holding purpose and individual property asset strategy
- Monitoring of Capital Programme
- Reports to Cabinet for corporate property decisions

CSAG Key Outputs

Property Review:

- By Service
- By Type

Co-ordination and review of:

- Accommodation use
- Planned maintenance
- Asset disposal
- Capital investment
- Performance measurement and monitoring on energy performance and reactive maintenance levels
- Property asset contribution to the Council's objectives.

Consultation and Communication:

- With users
- With the public
- Other public service providers
- Cabinet/Members

6 How do we measure performance?

Core to this AMP is the objective to ensure that we deliver an effective and efficient asset base from which to deliver services.

As a consequence, we are developing a set of Property Performance Indicators against which we can judge our performance over time and benchmark that performance with other authorities.

Our selected PPI's are based around the following discussions,

Does the estates management function;

- Work efficiently and effectively?
- Activity help to ensure the organisation has buildings which are fit for purpose and comply with statutory requirements?
- Help to ensure the organisation makes best use of its estate?
- Effectively support the organisation in minimising the impact of the estate on the environment?
- Manage maintenance and capital programmes effectively?
- Ensure internal customers are satisfied with the service provided and the functional suitability of the estate?

It is intended that we shall monitor the PPI's as our priorities and needs change and mature adding new indicators as necessary.

Proposed Performance Indicators (PPI)

Total property costs (occupancy, operational and management) per square metre Gross Internal Area (GIA).

Total property costs (occupancy, operational and management) per FTE (Full Time Equivalent Staff).

Cost of the Estates Management function per square metre GIA.

Cost of the Estates Management function as a percentage of organisational running costs.

Total building operation costs (revenue) per square metre GIA.

Workstations per full-time equivalent staff (FTE).

Area (square metres) per workstation.

Total annual energy consumption (kWh) per square metre (GIA).

Total property required maintenance as a percentage of average annual maintenance spend for the last three years.

7 What have we achieved so far?

The Council adopted the principal of strategic asset management in 2003 with the publication of its first Corporate Property Asset Management Plan.

- 1 PROPERTY REGISTER – CAPS database bringing together property information from different software systems across the Council.
- 2 PHOENIX HOUSE - space rationalisation, creation of the Phoenix Chamber.
- 3 FINANCIAL CODING – enabling accurate and more reliable cost recording against individual property assets.
- 4 CAR PARKS REVIEW – collation of car parks information and review of provision in district by a working group consisting of Members and Officers.
- 5 ENERGY MANAGEMENT/ CARBON REDUCTION - energy saving performance contract - 12 year contract with Anesco.
- 6 MANAGEMENT OF LAND DRAINAGE - Flood Management Act.
- 7 DEVELOPMENT OF EMPLOYERS REQUIREMENTS - building design for Affordable Housing Developments.

- 8 CAPITAL DISPOSAL PROGRAM - managed by the CSAG receipts towards capital programme (in addition to usual capital receipts).
- 9 TIVERTON TOWN REGENERATION PROGRAMME – masterplan setting the programme for priority projects, including enhancement and redevelopment of assets owned by the Council.
- 10 LORDS MEADOW LEISURE CENTRE - regeneration, including upgraded fitness gym, sports hall, dance studio with training room and overflow parking provision
- 11 CUL VALLEY SPORTS CENTRE – refurbishment of the gym and reception area.
- 12 EXE VALLEY LEISURE CENTRE – Plans to look at extending the gym at this facility.
- 13 OPEN SPACE STRATEGY
- 14 MID DEVON LOCAL PLAN.
- 15 MARKET WALK/FORE STREET TIVERTON - purchase of commercial units.
- 16 PUBLIC CONVENIENCIES - working with Town and Parish Councils to secure funding to continue the service or find alternative uses.
- 17 TIVERTON SKATEBOARD PARK - secured funding to deliver community asset.

In addition to the above, following a review of the Council’s main headquarters accommodation at Phoenix House, Tiverton; the Council have completed the implementation of a relocation programme. The key outcomes of the project have included:-

- The creation of Phoenix Chamber where Planning Committee and Full Council take place.
- Divisible fully equipped meeting rooms.
- Potential income stream from renting rooms to the Public.
- More efficient use of open plan office space.
- Potential reduction in business rates (open plan offices converted to meeting rooms).
- Rental of office space the Department of Work & Pensions

8 Income Generation

The Property Service continues to generate income for the Council that is budgeted. A breakdown of our net annual income/savings is provided below:

Phoenix House (income from sub-letting)	£13.5k
Solar Photovoltaic Panels via the Feed In Tariff per annum (depending on the weather throughout the year)	£40k
Bus Station income	£24k
Industrial Units	£125k
Park Lodge income (income for Parks and Open Spaces)	£10k
Shop Units (General Fund and HRA)	£108k
Cemetery Lodge income (income for Parks and Open Spaces)	£8.4k
Elsie May's Building	£15k
2 Wells Close income (HRA asset)	£7.2k
Contributions / transfer for Public Conveniences	£55k
Grounds Maintenance Income	£48k
Cemetery Income	£122K
Town Council income	£15.3k
CAB Income for Town Hall Letting	£12k
Market Walk income based on current cash income stream per annum	£385k
Crediton Town Council	£5k
Fore Street Rentals	£47.1k
Lowman Green	£10k
Lords Meadow Depot	£10.8k
DCC Library income	£44k
Roundabouts sponsorships (income for Parks and Open Spaces)	£11k

Renewals of Community Leases are also controlled via Property Services that can deliver income and support the provision of services to the community.

Property Services leads the Capital Strategy Asset Group and reports land sales that can deliver Capital Receipts. This will mainly be HRA land and will, therefore, be assigned to the HRA development work being undertaken.

9 Supporting the Corporate Plan

To see our corporate plan in full please use the following link:

<https://www.middevon.gov.uk/media/206666/corporate-plan-2016-2020.pdf>

Our Corporate Plan 2016 to 2020



Our Vision: Your council, your future



Our priorities:



We will focus on:

Bringing new businesses into the District

Business development and growth

Improving and regenerating our town centres

Growing the tourism sector

We will focus on:

Building more council houses

Facilitating the housing growth that Mid Devon needs, including affordable homes

Planning and enhancing the built environment

We will focus on:

Working with local communities to encourage them to support themselves

Working with town and parish councils

Promoting physical activity, health and wellbeing

We will focus on:

Increasing recycling and reducing the amount of waste

Reducing our carbon footprint

Protecting the natural environment

Set out below is an illustration of how property assets support the Council's priorities and the actions required to improve the performance of the portfolio in relation to the delivery of Corporate and Service objectives.

Corporate Plan 2016 – 2020:

<https://www.middevon.gov.uk/media/206666/corporate-plan-2016-2020.pdf>

Business Strategies:

<https://www.middevon.gov.uk/media/343248/estates-and-property-services-business-plan-april-16.pdf>

Climate Action Plan:

<https://democracy.middevon.gov.uk/documents/s5080/MTE%208-3-16%20-%20Climate%20Change%20Strategy%20and%20Action%20Plan%20Report%2025-2-16.pdf>

Mid Devon Local Plan:

<https://www.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/>

10 Mid Devon Infrastructure & Planning

Policies and useful documents are shown below

- **Retail Study 2012** <https://www.middevon.gov.uk/media/103524/retail-study-2012.pdf> (Appendices are also on the evidence page of our website here <https://www.middevon.gov.uk/residents/planning-policy/local-plan-review-evidence-base/>)
- **Employment Land Review 2013**
<https://www.middevon.gov.uk/media/103536/economy-land-review-2013.pdf>
- **Strategic Commercial Land Availability Assessment 2014**
https://www.middevon.gov.uk/media/85198/sclaa_site_appraisals_2014_final.pdf (pages 1-30 for sites assessed in Tiverton)
- **Core Strategy 2007**
https://www.middevon.gov.uk/media/103617/core_strategy_adopted.pdf
(Policies COR12 and COR13)
- **Allocations and Infrastructure DPD 2011**
https://www.middevon.gov.uk/media/103618/final_version_of_the_aidpd_january_2011_.pdf (Tiverton allocations)
- **Local Plan part 3: Development Management Policies 2013**
https://www.middevon.gov.uk/media/103619/local_plan_part_3_adopted_october_2013.pdf (Especially DM16)
- **Local Plan Review 2013 – 2033 Proposed Submission**
<https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/>

And maps <https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/local-plan-review-maps/>

11 Outcomes

The Council's Asset Management Plan was last updated in 2008. This revised plan creates a useful picture in terms of how the Council's assets support the Council's Corporate Priorities and the challenges ahead in ensuring a strategic approach is taken to support corporate and services strategies. The actions set out with dates in the AMP highlight where work remains to be carried out to fully incorporate Asset Management into the Council's ethos and have been set to achieve the Corporate Asset Objectives.

As is demonstrated within the Plan, effective asset management is an on-going discipline that requires the active support of senior decision makers and cross service input. For further information, please speak to the author of this document, **Andrew Busby – Estates Manager 01884 255255**.

Appendix 1

Why do we need Asset Management?

Further explored...

1.0 Practical Reasons

It takes longer to change property than any of the other strategic resources. Lack of attention to asset management will result in the asset base underperforming in both non-financial and financial terms. Examples of this are:

- Expensive maintenance backlogs.
- Poor fit between customer and service requirements and the property from which they are delivered.
- Under-utilisation of buildings.
- Inefficient sourcing and procurement of property, construction and support services.
- Inefficient use of capital.
- Insufficient control of running costs.
- Failure to provide services close to the community they serve.

1.1 Business Benefit Reasons

The business benefits that have been realised by many public bodies from effective asset management are:

- The release of capital for re-investment or debt redemption.
- Reduced running costs.
- Better customer service and public service provision through improved accommodation and the co-location of services.
- Property in good condition.
- Improved property utilisation and bringing together similar uses into the same property, rather than providing them separately.
- Improved productivity, changes in corporate culture and facilitation of corporate change.
- Improved place-making in shaping the built environment of local communities.

1.2 Policy Reasons

In every part of the public sector, improved asset management is not just to be encouraged, it is a general expectation.

Appendix 2

Development of a Community Asset Transfer Policy

1 Background

1.1 The Strong and Prosperous Communities Local Government White Paper was published in October 2006 and sets out the basis for a new relationship between local government and its communities. This paper advocated that “the aim is to give local people and local communities more influence and power to improve their lives”. In addition, “we are determined to ensure that existing powers and policies that support community management and ownership are effective; and that practical ways are found to overcome any remaining unnecessary barriers”.

1.2 The ‘Making Assets Work, Quirk Review’ looked at the clear benefits to local groups which own or manage community assets – such as community centres, building preservation trusts and community enterprises. The review makes clear that what is required is not legislation, but guidance to enable a partnership approach to the delivery of community services. The review focused on how the use of publicly owned assets could be optimised by exploring options for the increased transfer of asset ownership and management to community groups.

1.3 The Localism Bill will look to devolve further powers to community organisations to take on the delivery of services previously run by local authorities. This will have an effect on buildings currently used to deliver those services.

1.4 Local authorities have been given discretionary powers under the Local Government Act 1972 to dispose of land below market value in some circumstances. Decisions on disposal need to be made by comparing the benefits that would accrue from a transfer to community use, with those from a straight forward commercial sale.

1.5 Where community groups are well established and have access to either the support of a governing body or regular income streams, the transfers have worked well. However, other schemes which rely mainly on voluntary community support have been less successful in delivering sustainability in the medium to long term.

1.6 By having a clear Community Asset Transfer Policy and selection process for third sector partners, the Council will have a greater chance of ensuring that the sustainability of the property is maintained in the long term and, by means of a robust business proposal, that community groups are able to demonstrate their capability.

1.7 There has to be a balance between the sale of assets for reinvestment in the Council's priorities through the Capital Programme and transfers for the delivery of services by community groups.

1.8 The CSAG is currently embarking on a Property Review which will, amongst other things, identify assets which could be subject to future disposal.

1.9 Community Asset Transfer needs to be considered by the CSAG. Town or Parish councils wishing to apply to take on assets currently held by the Council require a defined process to do so, we plan to do this by developing an on line application form.

Appendix 3

Condition of the existing estate

Statutory commitments

Where we provide and maintain property for our business, Property Services are responsible for a high number of statutory requirements to ensure compliance and protect the Council from prosecution, therefore prevention is key.

The Council looks after a wide range of legislative requirements to ensure that it meets its statutory obligations, which includes:

- Asbestos Management
- Fixed electrical testing
- Structured surveys
- Legionella testing
- Condition Surveys

We regularly inspect our roads and pathways and carry out other routine inspections and keep records that are required for insurance purposes, these are essential in order that we can defend potential claims.

Non-statutory commitments

The statutory commitments are necessary if the Council continues to operate a facility for employees and the public. However, we may not have a statutory requirement to cover some services i.e. Leisure and Public Conveniences.

Any special legal or insurance obligations your service needs to be met.

Building condition categories

Condition Survey Categories	
A	Good. Performing as intended and operating efficiently.
B	Satisfactory. Performing as intended but exhibiting minor deterioration.
C	Poor. Exhibiting major defects and/or not operating as intended.
D	Bad. Life expired and/or serious risk of imminent failure.
Not Set	Condition survey not undertaken.

During the inspection of buildings, the urgency for maintenance works is assessed simultaneously with the condition. This assessment then informs the prioritisation of both the order of works and budget allocation.

Recognising certain outcomes from the old inspection regime, a new improved inspection regime will be implemented following approval of the responsible officer's paper to the Cabinet Member for Housing and Property Services and the Head of Service. This will result in better informed maintenance budgeting and an improved understanding of the estate's true condition.

1 Condition Surveys

1.1 Condition surveys on the Council's non-housing premises should be carried out on a rolling basis at least every two years. The majority of property is generally in a sound or acceptable condition with relatively minor works required. The planned maintenance budget generally allows Property Services to carry out repairs to buildings and fixed equipment as and when required. There are occasions when major works need further budget approval before they can be carried out.

From 2016 these surveys will be undertaken every three years and will provide more comprehensive information to help inform not only the Planned Maintenance Programme, but also the on-going general review of the Council's varying asset cluster. Eventually it is anticipated that each asset will have its own asset management plan and classification for either on-going maintenance, capital investment, significant capital investment or replacement, change of use or disposal.

The basis of the new style surveys will enable appraisal with regard to fitness for purpose of use, condition and compliance. The three facts which will be assessed and ranked are:

- i. Physical condition
- ii. Fire, health and safety and disabled accessibility
- iii. Suitability

1.2 In addition, annual tests on utilities and building facilities such as electrical wiring; boilers including gas safety; air conditioning and ventilation; equipment checks and other monitoring form part of the planned maintenance process and are carried out regularly in line with planned and programmed schedules

2 The Disability Equality Act 2010

2.1 The Property Services team takes a role in working to fulfil the obligations under Part 3 of the Act. Audits have been carried out on all premises available for public use and we have implemented a number of improvements to ensure suitable access for the disabled.

2.2 Premises are routinely monitored with service managers to gauge where further improvements could be made. Provision is made within Revenue budgets to enable this process.

3 Asbestos

3.1 The Control of Asbestos Regulations 2012 places a duty to manage asbestos, wherever it is found in our buildings. MDDC has surveyed all of its properties and listed any asbestos containing materials (ACM's) on the Asbestos Register. Wherever possible, the ACM's have been removed or encapsulated. The asbestos that remains is being regularly monitored. The Asbestos Policy gives full details of the management of ACM's.

4 Control of Legionella Approved Code of Practice and Guidance from the HSE (L8)

4.1 The Health and Safety Commission's Approved Code of Practice 'The control of legionella bacteria in water systems' was published in 2001. It sets out duties on the 'building manager' to ensure that water systems are monitored to reduce the risk of legionella.

MDDC has a service agreement with an independent company who are monitoring all our premises on a regular basis to ensure that we are compliant with the legislation. Remedial works are prioritised and financed from the planned maintenance budget. The Legionella Policy gives full details of the management and control of Legionella risk.

5 Fire Safety

5.1 The Regulatory Reform (Fire Safety) Order 2005 covers general fire safety in England and Wales. Employers (and/or building owners or occupiers) must carry out a fire safety risk assessment and keep it up to date.

MDDC has carried out fire risk assessments at all of its premises, where required and actively manages and implements changes or improvements that are highlighted. Reviews are carried out on an annual basis.

Appendix 4

Tenanted Non Residential Property (TNRP) Review

1 Background

1.1 The Council owns assets which are let to third parties, other than HRA housing, for example industrial workshops and residential properties. These assets are held for investment or socio-economic purposes – or both.

1.2 The Royal Institution of Chartered Surveyors (RICS) recommends a focus on three key perceived current priorities for improvement in the management of TNRP in the local government arena:

- There should be clear allocation of roles and responsibilities and accountability processes in the management of TNRP to drive continuous improvement in TNRP performance.
- Local authorities should adopt business planning disciplines to ensure clear strategy, plans and programmes for the management of their TNRP.
- To ensure best value is being obtained, local authorities should continuously measure and report on the performance of all TNRP as investments

2 Getting Started

2.1 A TNRP strategic review will be commenced and with a simple overview including:

- A list of TNRP assets and their type
- Asset values and income (internal rate of return (IRR) valuation).
- A basic analysis of why they are held e.g. socio-economic, investment or unidentified
- A desktop indicative assessment of their suitability, condition and running costs
- CSAG referral of recommendations to Cabinet following completion of reviews on the following asset clusters:
 1. Industrial Estates
 2. Fore Street properties
 3. Residential property
 4. Market Walk shopping precinct.

2.2 As the strategy develops, a phased work programme should emerge to ensure:

- The Council is clear as to why it owns TNRP
- There is a clear business case for owning individual TNRPs
- The Council is clear as to what outcomes are expected
- The right people are involved
- There are clear strategies, plans and programmes in place
- The performance management process is robust

3 Outcomes

3.1 The TNRP review will measure the performance of each asset against a decision framework. The outcomes will include an understanding of the property objective and will arrive at a decision to either retain or dispose of an asset.

3.2 Where an asset is retained, it will fall into one of three classes:-

- i. Continued maintenance – where the property is considered to be doing the right thing in the right place. All that will be required is a planned maintenance schedule;
- ii. Improve usage – there may be an opportunity for better usage or co-location. This may require some capital expenditure, along with a planned maintenance schedule;
- iii. Building enhancement – where an asset requires significant capital expenditure.

4 Disposal of Assets

4. TNRP Disposal Policy

4.1 Where an asset deemed surplus for disposal is subject to external valuation for values in excess of £500 and following consultation with Ward Members, a recommendation will be made to Cabinet by the Head of Housing and Property Services

- (a) Documenting the reason for disposal,
- (b) Stipulating any conditions that will apply and/or endure after disposal
- (c) Suggesting an appropriate method of disposal.

Ward Members will be consulted on those assets identified as surplus, for disposal and with a value of under £500 before the Head of Service authorises the disposal of the asset and determines the appropriate method of sale and the timing.

4.2 The receipts generated by the disposal of assets are treated as a corporate resource to fund the capital programme. To this end, the Head of Housing and Property Services shall, in liaison with the Estates Manager, set targets for capital generation by disposals, and monitor performance on a quarterly basis.

Appendix 5

Corporate Asset Management software

1 Background

Mid Devon has historically operated different property management systems across its Finance, Property Services, Housing, Estates and Street Scene services. Whilst providing essential tools for each discreet area, this approach has resulted in difficulties and inefficiencies when dealing with cross-service issues. These asset management processes are coming under ever increasing scrutiny.

2 Review of all software used to manage our assets

To ensure the authority has a complete and up-to-date record of property assets to facilitate decision making, our service will need to review the software packages which we use to manage our estate and influence an action plan for ensuring information is maintained and current. This review will incorporate our aspirations for digital transformation.

Appendix 6

Asset Management Action Plan

Annex A - Asset Management Action Plan

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
1. Review and amendment of Asset Management Plan Performance Management.	Link to Corporate Plan 2016 – 2020.	Implement management practices and assign 'SMART' targets.	Estates & Property services	Estates Manager Development Services Manager	
2. Promote the improvement of the use of Council's assets. Develop ways for all services to become aware of positive asset management ie. business plans. Asset Management Plan needs to be 'promoted' once updated.	Improved awareness of asset management; improved use of available skills & knowledge. Promoting proactive management Reducing reactive costs.	Awareness training sessions. Publication of updated asset management plan.	Learning & Development HR Business Partners	Estates Manager	

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
3. Improve benchmarking and sharing of information within nearest neighbours group.	Improve quality of asset management plan. Identify where efficiencies will be achieved. Identify internal rate of return, so that assets not meeting this return can be selected for disposal.	Revision as per Action 1 (above).	Estates Management & Property Services Team. Estates Manager to set up a working group with other property managers from other authorities.	Estates Manager	
4. Integrate capital strategy into the asset management plan.	Co-ordinated support for the corporate plan through integration of asset management plan/capital strategy/medium term financial plan.	Working with Finance service.	Finance Manager for Capital Development Services Manager Contracts Manager	Estates Manager	
5. Improve professional skills/training. Continuous professional development.	Improved quality of asset management.	Appraisals; On-the-job training provision.	Estates and Property Services team	Development Services Manager	

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
6. Identify strategic/key partners for collaborative working and develop a Community Asset Transfer Policy.	Improved capacity and cost-effectiveness through partnership working.	Explore shared service opportunities.	Estates and Property Services team	Head of Housing & Property Services	
7. Implement CAPS Estate Module and Quality Assurance Land Terrier.	Avoids duplication of records. Certainty over asset base. Reduce database maintenance requirements.	Cross-service working group using Prince 2 approach.	Estates and Property Services team	Estates Manager	
8. Improve energy efficiency and continue to reduce consumption.	Cost savings Achieves Corporate Plan objective.	Identify additional 'ESCO' opportunities.	Estates and Property Services team	Contracts & Services Manager	
9. Review & report based on 'outcomes' of the reduction in revenue maintenance budget. To include: Risks Future expenditure requirements in relation to plant and asset replacement.	Awareness of risks and costs of reductions to planned preventative maintenance.	Incorporate in Action 1 (above).	Estates and Property Services team	Technical Administrator	

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
10. Analysis of value for money Cemeteries Parks and Open Spaces Grounds Maintenance	Contributes to effective use of resources. Potential efficiency increases/cost reductions identified.	Benchmarking (see Action 3 above) – results to be included in estates management business plan with SMART targets.	Estates and Property Services team	Estates Manager	
11. Improvement to the planning consultation process regarding S106/CIL.	Improved consideration of the impact of development on existing assets and added robustness to adoption procedures for new assets.	Liaise with Planning Service.	Regular review meetings with Planning Officers	Development Services Manager	
12. Continue to deliver Capital projects that supports the Corporate Plan 2016 – 2020.	Improved use of asset management expertise at project design stage.	Involvement in CSAG.	Estates & Property Services team	Head of Housing & Property Services	

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
13. Revise and review Asset Management Plan annually plus initiate annual review as good practice.	Improved management of assets. Increased internal rate of return. Reduced reactive maintenance costs. Improved risk management.	Annual review. Continued research for opportunities.	Estates & Property Services team CSAG		

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Scrutiny Officer update 10th September 2018

1. Anaerobic Digestion Working Party report

This report was requested by the Scrutiny Committee in order to better understand the process, science and potential impact of Anaerobic Digestion (AD) on Mid Devon as a source of renewable energy and bio fertiliser.

2. District and Community nurse retention/NHS absence rates

Cllr Roach raised concerns about the district/community nurse retention rates and NHS sick absence;

- How many experienced district Nurses are being lost, how many have left and what the current shortfall is.
- Why sickness levels are so high in the NHS

With regard to the District Nurses there is a recent House of Commons Health Committee report (Jan 2018) attached that provides a comprehensive overview of the Nursing workforce. On pg.7 of the report nursing professions are listed - a decrease of district nurses of 45% since 2010 is indicated. Further data from Royal Devon and Exeter is being sought to understand the impact locally.

Absence rates (%) for Royal Devon and Exeter for Jan 2017 to Jan 2018 are as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
5.85	5.29	4.62	4.52	4.84	4.63	4.84	4.49	4.40	4.83	5.56	5.55	6.80

The NHS produces data for absence rates for all health authorities across the UK which can be found at:

<https://digital.nhs.uk/data-and-information/publications/statistical/nhs-sickness-absence-rates>

January 2018 recorded a particularly high rate for the RD and E. The bad flu season was probably the key factor. Many other areas scored equally high sickness rates for this period.

3. Community Engagement Working Group

The results of the Town and Parish survey have now been collated and will be discussed at the next Community Engagement Working group. There were twenty two responses in total. The revised draft communication strategy has being prepared by the Communications Manager which will also be reviewed by the Working Group (28/8/18).

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

September 2018

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Exe Valley Area of Outstanding Natural Beauty To consider the setting up of a partnership to explore an ANONB for the Exe Valley and other issues.	Environment Policy Development Group	4 Sep 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Leader of the Council (Councillor Clive Eginton)	Open
	Cabinet	27 Sep 2018			
	Council	24 Oct 2018			
Gas Safety Policy To consider a report regarding the revised Gas Safety Policy.	Homes Policy Development Group	11 Sep 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
	Cabinet	27 Sep 2018			
Rechargeable Repairs To receive a report reviewing the Rechargeable Repairs policy.	Homes Policy Development Group	11 Sep 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
	Cabinet	27 Sep 2018			
Neighbourhood Management Policy	Homes Policy Development		Claire Fry, Group Manager for	Cabinet Member for Housing	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
To receive a report from the Group Manager for Housing presenting the revised Neighbourhood Management Policy.	Group Cabinet	11 Sep 2018 27 Sep 2018	Housing Tel: 01884 234920	(Councillor Ray Stanley)	
Illegal Encampment Policy To receive a *report of the Group Manager for Corporate Property and Commercial Assets presenting a policy regarding illegal Encampment	Community Policy Development Group Cabinet Council	18 Sep 2018 27 Sep 2018 24 Oct 2018	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Customer Care Policy To receive the 3 yearly review of the Customer Care Policy from Director of Corporate Affairs and Business Transformation.	Community Policy Development Group Cabinet	18 Sep 2018 27 Sep 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires) Margaret Squires)	Open
Town Centre Masterplan following public consultation	Cabinet	27 Sep 2018	Jenny Clifford, Head of Planning, Economy and	Cabinet Member for Planning and Economic	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
To consider that masterplan.			Regeneration Tel: 01884 234346	Regeneration (Councillor Richard Chesterton)	
Greater Exeter Strategic Partnership To consider a report with regard to proposed consultation documents.	Cabinet	27 Sep 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Culm Garden Village - Gullompton (c) To consider the project constraints, opportunities, issues (masterplanning)	Cabinet	27 Sep 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Greater Exeter Strategic Plan (GESP) - update and consideration of GESP To consider matters with regard to the Greater Exeter Strategic Partnership.	Cabinet Council	27 Sep 2018 24 Oct 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Channel Access Strategy To consider a revised strategy.	Cabinet	27 Sep 2018	Lisa Lewis, Group Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Complaints Policy To receive a review of the Complaints Policy from Group Manager for Business Transformation and Customer Engagement	Scrutiny Committee Cabinet	8 Oct 2018 25 Oct 2018	Lisa Lewis, Group Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Cullompton Town Centre Masterplan To consider the contract award	Cabinet	25 Oct 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Tiverton Eastern Urban Extension Area B Masterplanning	Cabinet	25 Oct 2018	Jenny Clifford, Head of Planning, Economy and	Cabinet Member for Planning and Economic	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
To consider the outcome of the tender process			Regeneration Tel: 01884 234346	Regeneration (Councillor Richard Chesterton)	
Proposals for improvements to Tiverton Town Centre To receive a presentation on proposals for improvements to Tiverton Town Centre, seeking authority to go out to tender with a view to progress project work'.	Cabinet	25 Oct 2018	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt
ICT Strategy Report regarding a review of the ICT Strategy	Cabinet	25 Oct 2018	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Statement of Community Involvement Review 2018 Report to seek authority to consult on the draft revised text	Cabinet	25 Oct 2018	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Medium Term Financial	Cabinet	25 Oct 2018	Andrew Jarrett,	Cabinet Member	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Plan To consider the MTFP.			Deputy Chief Executive (S151) Tel: 01884 234242	for Finance (Councillor Peter Hare-Scott)	
Draft 19/20 General Fund and Capital Programme To consider options available in order for the Council to set a balanced budget for 2019/20.	Cabinet	25 Oct 2018	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Treasury Management Strategy and Mid Year Review Report To consider a report of the treasury performance during the first 6 months of the financial year.	Cabinet Council	25 Oct 2018 19 Dec 2018	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
Information Security To consider a revised policy	Cabinet	25 Oct 2018	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Information Security Incident To consider a revised policy	Cabinet	25 Oct 2018	Catherine Yandle, Group Manager for Performance, Governance and	Cabinet Member for Community Well Being (Councillor Colin	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
			Data Security Tel: 01884 234975	Slade)	
Modernisation of Council Homes 2018-2023 To consider the outcome of the tender process.	Cabinet	25 Oct 2018	Andrew Pritchard, Director of Operations Tel: 01884 234950	Cabinet Member for Housing (Councillor Ray Stanley)	Part exempt
Market Rights Policy A report proposing the adoption of a new Market Policy.	Economy Policy Development Group Cabinet Council	8 Nov 2018 22 Nov 2018 19 Dec 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Economic Strategy To consider a new policy.	Economy Policy Development Group Cabinet Council	8 Nov 2018 22 Nov 2018 19 Dec 2018	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Void Management Policy To receive a report from the Group Manager for Building Services presenting the revised Void Management Policy.	Homes Policy Development Group Cabinet	 13 Nov 2018 22 Nov 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Corporate Asbestos Policy To receive a report from the Group Manager for Building Services presenting the revised Corporate Asbestos Policy.	Homes Policy Development Group Cabinet	 13 Nov 2018 22 Nov 2018	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Asbestos Management Plan To receive a report from the Group Manager for Building Services presenting the revised Asbestos Management Plan.	Homes Policy Development Group Cabinet	 13 Nov 2018 3 Jan 2019	Mark Baglow, Group Manager for Building Services Tel: 01884 233011	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Supply and Demand Policy To receive a report from the Group Manager for Housing presenting the revised Supply and Demand Policy.	Homes Policy Development Group Cabinet	 13 Nov 2018 22 Nov 2018	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Severe Weather Emergency Protocol and	Homes Policy Development		Claire Fry, Group Manager for	Cabinet Member for Housing	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Extended Winter Provision Protocol To receive a report from the Group Manager for Housing presenting an updated Severe Weather Emergency Protocol and Extended Winter Provision Protocol.	Group Cabinet	13 Nov 2018 22 Nov 2018	Housing Tel: 01884 234920	(Councillor Ray Stanley)	
Community Safety Partnership Plan To consider a review of the partnership plan.	Community Policy Development Group Cabinet	 20 Nov 2018 3 Jan 2019	Andrew Pritchard, Director of Operations Tel: 01884 234950	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Community Engagement Strategy (inc Action Plan) To receive a report from the Director of Corporate Affairs and Business Transformation updating Members on progress made with the Community Engagement Action Plan and to review the strategy and focus for 2018/2019.	Community Policy Development Group Cabinet	 20 Nov 2018 3 Jan 2019	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
Design Supplementary	Cabinet	22 Nov 2018	Jenny Clifford, Head	Cabinet Member	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Planning Document To consider a report seeking approval to consult on the draft Supplementary Planning Document.			of Planning, Economy and Regeneration Tel: 01884 234346	for Planning and Economic Regeneration (Councillor Richard Chesterton)	
Vehicle Maintenance Contract To consider the maintenance contract.	Cabinet	3 Jan 2019	Stuart Noyce, Group Manager for Street Scene and Open Spaces Tel: 01884 244635	Leader of the Council (Councillor Clive Eginton)	Open
Statement of Community Involvement Review 2018 - post consultation To consider the review post consultation and make recommendation to Council	Cabinet Council	3 Jan 2019 27 Feb 2019	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Public Health Enforcement Policy To receive the 2 yearly review of the Public Health Enforcement Policy from Group Manager for Public Health and Regulatory Services.	Community Policy Development Group Cabinet	22 Jan 2019 7 Feb 2019	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Cleaning Contractors To approve the outcome of the procurement exercise.	Cabinet	7 Feb 2019	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open
Bereavement Services Fees & Charges To receive the annual review of Bereavement Services Fees & Charges from the Director of Operations.	Environment Policy Development Group Cabinet	5 Mar 2019 4 Apr 2019	Andrew Pritchard, Director of Operations Tel: 01884 234950	Leader of the Council (Councillor Clive Eginton) Cabinet Member for the Environment	Open
Play Area Safety Inspection Policy To receive a 3 year review from the Director of Operations of the Play Area Safety Inspection Policy	Environment Policy Development Group Cabinet	5 Mar 2019 4 Apr 2019	Andrew Pritchard, Director of Operations Tel: 01884 234950	Leader of the Council (Councillor Clive Eginton) Cabinet Member for the Environment	Open
Design Supplementary Planning Document - post consultation To consider the	Cabinet	7 Mar 2019	Jenny Clifford, Head of Planning, Economy and Regeneration Tel:	Cabinet Member for Planning and Economic Regeneration	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Supplementary Planning Document post consultation			01884 234346	(Councillor Richard Chesterton)	
ASB Policy and Procedures To receive a report from the Group Manager for Housing presenting the revised Anti-Social Behaviour Policy and Procedures.	Homes Policy Development Group Cabinet	12 Mar 2019 4 Apr 2019	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Tenancy Strategy To consider a report regarding the revised strategy.	Homes Policy Development Group Cabinet	12 Mar 2019 4 Apr 2019	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing (Councillor Ray Stanley)	Open
Regulation of Investigatory Powers To receive the 3 yearly review of Regulation of Investigatory Powers from the Director of Corporate Affairs and Business Transformation.	Community Policy Development Group Cabinet	19 Mar 2019 4 Apr 2019	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>Corporate Health & Safety Policy To receive the annual review of the Corporate Health & Safety Policy from the Director of Corporate Affairs and Business Transformation.</p>	<p>Community Policy Development Group Cabinet</p>	<p>19 Mar 2019 4 Apr 2019</p>	<p>Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381</p>	<p>Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)</p>	<p>Open</p>
<p>Greater Exeter Strategic Plan To consider a report of the Head of Planning, Economy and Regeneration regarding a draft strategic plan.</p>	<p>Cabinet Council</p>	<p>Not before 20th May 2019 Not before 31st May 2019</p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)</p>	<p>Open</p>

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