

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 September 2018 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Kevin Swift (Public Health Officer) and Sally Gabriel (Member Services Manager)

## **57 APOLOGIES AND SUBSTITUTE MEMBERS (00-01-54)**

There were no apologies.

## **58 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

There were no declarations of interest at this point in the meeting.

## **59 PUBLIC QUESTION TIME (00-02-26)**

Sarah Coffin referring to Item 8 (Anaerobic Digester Working Group) on the agenda stated that I must compliment the Working Group on a very genuine report into the potential plusses and minuses presently existing within the complex green energy biogas industry. In particular, I refer to the industrial sized on-farm anaerobic digesters, which are neither self-sufficient nor self-contained.

I would like to point out in addition that the AD industry itself has acknowledged various problems AD operators are facing:

1. The difficulty of controlling the balance of different gasses produced within the Digester during the digestion process and the consequential bio-chemical interactions.
2. Disposal of the large volumes of liquid digestate produced during the process of energy production. Because the EA does not regulate via full permits nor require certification that digestate produced by on-farm ADs (industrial or small) is safe and fully spent, on release into the wider environment, farmers not associated with the operation do not have sufficient confidence in the product as a fertiliser. So despite best efforts of various agencies and the AD Industry to secure a wider commercial end market for this product, the reality

is - due to lack of confidence in the safety and sanitisation credentials, there is only a limited end market available for the digestate.

3. If the digestate is not disposed of as a fertiliser for the benefit of soil and growing crops on farmland - it has to be disposed of as a 'waste', which is extremely costly and reflects negatively on both logistical and commercial viability of the plant.
4. Given that the qualification required for disposal of liquid digestate as a fertiliser and not a 'waste' depends on adherence to the Voluntary Farming 'Best Practice' guidance together with max tonnage per annum and NVZ restrictions - it is imperative that sufficient storage and landbank is identified so as to avoid the overspreading and high risk potential pollution of soil, air and water.
5. As MDDC has acknowledged its potential responsibility towards all 'statutory nuisance' issues that may arise from all problems identified and given the lack of EA permitting and control required by farmers disposing of liquid digestate from on-farm AD's, I hope the committee will approve the recommendations made in No 15 of this report?
6. I further ask how will any mitigating measures be meaningfully implemented? Unfortunately, the fact that such an in depth report was not done by EH or Planning departments at the initial application stage and insufficient consideration given to the detailed warnings made by knowledgeable objectors; the Council has incurred considerable expenses to date.
7. Finally will any mitigating measures approved and implemented be made available to the public?

Honorary Alderman David Nation referring to item 9 (Local Improvements Scheme/ Asset Management) on the agenda and in particular the Council Offices in Market Street, Crediton stated that Members were aware that the Council received a petition regarding the sale of the Crediton Offices of 800 signatures at its meeting on 29 August; today, Cllr Letch has handed in a further 400 more signatures and there are more to come. He asked the Committee to consider what more they could do to ask the Cabinet to reverse its decision and save this historic local government building, the building was fully used and a much needed and essential venue. Community Groups were being made homeless which was contrary to policy with regard to supporting local communities and community provision and he hoped that the committee would do all it could do to make the Cabinet reverse its decision.

The Chairman stated that the Scrutiny Committee's role was to call in the original decision and the recommendation of the Committee was that the purchase should not be pursued, however the decision was made.

Honorary Alderman David Nation responded stating that there was evidence in the petition as to how much the decision was disputed by people in Crediton and asked that the item be added to the agenda for further discussion.

The Chairman stated that he would seek advice from the Monitoring Officer.

Mrs Faulkner referring to again to Item 8 on the agenda and referring to paragraph 3 - desktop reviews stated: as you all know, from my constant odour reports, I am blessed (or maybe not) with a good sense of smell. Anaerobic digesters are known to have many odour issues. Ammonia, that is a known odour to all and everyone knows what that is like, it makes your eyes sting.

Hydrogen sulphide that is a known eggy odour at low levels, at higher levels it is sweet and then if you cannot smell it, you may already be dead. We then have the phenols and cresols, they smell like disinfectant. The hemlock smell, well that may be a piperidine, another VOC produced by anaerobic digesters. And just to mention, burnt toast and rubber (which is very evident at Avonmouth), that too is linked to sulphur emissions.

There are many more chemicals produced by anaerobic digestion. From what I gather, Mr Winter is the only qualified "sniffer" in EH. I am a citizen science investigator for West Country Rivers Trust; I check the local stream for pollution with simple testing kit. This information is put on data which builds up a picture of pollution for SW Water. It also helps the EA in their investigations. There is no reason why a similar operation using free labour from the general public could not be used for smells. There are many people who would be willing to participate to help improve our air quality. A day's course would probably be sufficient (hopefully paid for by the Council). Devon would then have its own "air pollution sniffers".

Peer Review from PHE - the whole system of secrecy of patient confidentiality, this makes it impossible to connect patients up with similar symptoms from the same source; the system wants changing.

Page 9 - Ecology - the plants and lichens should be used as bio indicators of pollution, MDDC should link up with APHA. All authorities should work together and not pass the parcel. I personally have smelt many odours associated with anaerobic digesters and digestate in many areas: Dartington, Stow on the Wold, Bristol (Avonmouth), Cannington and Salisbury Plain to name just a few. Showing a picture - it is a crop circle on Salisbury Plain - some say it is a chemical weapon, my interpretation is that it stands for SO<sub>3</sub>.

Mr Faulkner again referring to Item 8 on the agenda stated: thank you sub-committee for revealing salient facts and aspects around anaerobic digesters. There is so much in it, I will concentrate on just one element. For me, there is one very significant omission within this report. Although you mention volcanos, you have not specifically mentioned Brimstone, that which the ancients mined around the brims thereof.

Looking forward to 1883, I quote Primrose and McConnell Agricultural Notebook "sulphur - H<sub>2</sub>S and elementary sulphur formed during the decomposition of organic matter". This is exactly what happens in AD's. Crops are decomposed, part of the sulphur cycle that the report mentions. During our private meeting with MDDC, I was unable to understand why Mr Pritchard, experienced in composting, refused to test for sulphur, relying on his professional opinion.

In June 2017, we asked Mid Devon what the ubiquitous crystals were, presumably, they have returned the answer to the committee for background data for this report.

The report infers that ammonia is responsible for the damage to the vegetation. I concede that it can harm, However, look at the damage to the leaves throughout the county, compare that to that of acid rain, (ref internet). The pathway may be expressed thus:- sulphur goes to SO<sub>2</sub> goes to SO<sub>3</sub> goes to H<sub>2</sub>SO<sub>4</sub>. This damage to the leaves also makes them susceptible to secondary invaders.

The standard AD problems are shown by Aquafix. The remedies are not 100% effective. Optimistically, the manufacture of fool's gold, iron pyrites (FeS) is the AD operator's answer to too much elemental sulphur.

Physically, normally, the sulphur grains are solid, however when heated it can sublime straight to gas, still in its S<sub>8</sub> rings (ref phase diagram available). From this you can see, sulphur gas can be boiled off in transport by transport in vacuum tankers.

I had hoped all of this would have been covered by Neil Parish EFRA air quality response to my submission No 33 to his enquiry in which I asked for more scientific help to examine sulphur, volatile organic compounds and volatile sulphur compounds.

Therefore, over to your Mr Walford, may the officers now be able to finish the investigations started in January 2017 and then provide us with the answers to what was and is coming from the AD's causing our distressing symptoms?

Mr Benson (solicitor representing Mr Winston Reed) again referring to Item 8 on the agenda stated that Mr Reed was very pleased with the Scrutiny Working Group report, he felt that it was balanced and factual and was pleased that it emphasises the legality of the AD process. With regard to regional and local monitoring it might be helpful to see the difference between reports from the public with suspicions and actual incidents discovered by authorities and acted upon.

With regard to the recommendations in paragraph 15: he suggests that the authority does not believe there is enough coordination between partner authorities. Mr Reed's view is that from the number of visits made to his property, there is ample and very good coordination between MDDC and partner agencies and he hopes that the cooperation will continue. Section 15, recommendation 3 could say that the current levels of cooperation and liaison should continue.

The Chairman indicated that written answers would be provided to questions.

## **60 MEMBER FORUM (00-21-58)**

There were no issues raised under this item.

## **61 MINUTES OF THE PREVIOUS MEETING (00-23-17)**

The minutes of the last meeting held on 13<sup>th</sup> August 2018 were approved as a correct record and **SIGNED** by the Chairman.

62 **DECISIONS OF THE CABINET (00-23-42)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 30<sup>th</sup> August 2018 had been called in.

63 **CHAIRMAN'S ANNOUNCEMENTS (00-23-42)**

The Chairman had no announcements to make.

64 **ANAEROBIC DIGESTER WORKING GROUP (00-23-57)**

The Committee had before it a final \*report on anaerobic digesters from the Scrutiny Working Group

The Scrutiny Officer (and author of the report) outlined the contents of the report and thanked the public for their questions and the research that had taken place; he hoped that the report had provided a better understanding of process, science and potential impact of anaerobic digestion in Mid Devon as a source of renewable energy and bio fertiliser.

Members were invited to ask questions of the officers:

- How was Mid Devon dealing with food waste
- Details with regard to permits for spreading digestate
- Whether the issues recorded at Menchine were relevant and whether they had been upheld.
- The spreading of digestate and whether a period of time for cattle to access the land again had been identified.

The Chairman thanked the Scrutiny Officer for an excellent report and felt that the information within the report could help the authority and partner agencies with any future applications.

It was **RESOLVED** that:

1. 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. 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. 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.

(Proposed by the Chairman)

## Notes

- i) Cllr Mrs F J Colthorpe declared a personal interest as she knew speakers at the meeting and that some of the information within the report referred to her Ward;
- ii) Cllr N A Way declared a personal interest as he had been in contact with some of the objectors.
- iii) \*Report previously circulated and attached to the minutes.

### 65 **MAINTENANCE OF LOCAL IMPROVEMENT SCHEMES (00-35-29)**

The Committee had before it a \*report from the Group Manager for Corporate Property and Commercial Assets providing information on historic district-wide Local Improvement Schemes and their associated liability.

He outlined the contents of the report stating that the report followed a request from Cllr Mrs Roach at a previous meeting to review the maintenance implications on historic Local Improvement Schemes which were commissioned by the Council between 2003 and 2004. The ownership of the footpath lighting scheme at Silverdale, Silverton had been investigated and it was revealed that it was not within the Council's ownership and was owned privately by two separate people. He reported that since the issue had been raised by Cllr Mrs Roach and a local resident, some maintenance had taken place to the lighting. Investigation had taken place into the Local Improvement Schemes project, the list of schemes were under review by Property Services to confirm which of the 95 schemes originally listed had been completed, and where current/future ownership and liabilities rested, as those schemes had been paid for out of the Capital programme in 2003/4 with no sinking fund for maintenance.

Cllr Mrs Roach was invited to speak, she explained how much the Silverdale cut was used by local residents and she hoped that all of the 95 schemes mentioned in the report would be considered fully.

Consideration was given to:

- The Register of Council Assets
- The condition surveys on the Council's non-housing premises, it was requested that the condition surveys for Tiverton Town Hall and Crediton Office be circulated to Members
- The Scrutiny proposal form received by a resident of Silverton, the Group Manager for Corporate Property and Commercial Assets to make contact with the lady and explain the work procedure that was proposed to take place.

It was therefore:

**RECOMMENDED** to the Cabinet that the work procedure detailed in paragraph 4 of the report be implemented.

(Proposed by the Chairman)

Note: - \*Report previously circulated and attached to the minutes.

## 66 **SCRUTINY OFFICER UPDATE (00-50-04)**

The Committee received and **NOTED** an \* update from the Scrutiny Officer who stated that the Anaerobic Digestion Working Party Report had been discussed earlier in the meeting. Information with regard to district and community nurse retention had been provided within a report from the House of Commons Health Committee which had reported a decrease of district nurses of 45% since 2010. Local data was still being sought. With regard to sickness levels, this information was within the update.

Consideration was given to

- The loss of experienced nurses at the RD&E
- The conclusions and recommendations within the report
- The work already being undertaken by County Scrutiny Committees
- The need to draw these issues to the local members of Parliament.

It was **AGREED** that the Chairman write to both local Members of Parliament to voice the concerns of the Committee with regard to the retention of staff, specifically experienced nursing staff.

Note: \* Update previously circulated, copy attached to minutes.

## 67 **FINANCIAL MONITORING (00-59-44)**

The Committee received an verbal update from the Deputy Chief Executive (S151) with regard to financial monitoring information for the income and expenditure to date.

He informed the meeting that there had been no significant deterioration in the proposed budget gap for end of year however (as of the end of July 2018) it had increased to over £100k, this was mainly down to a decrease in car parking income specifically the multi-storey car park and an overspend in the waste service due to vehicle hire costs, planning income was also down. However, this was more likely to be more than compensated by the additional income from being part of the business rates pool pilot.

The Housing Revenue Fund was on budget however there were concerns with regard to the impact of Universal Credit which was due to be phased into the Crediton area from 24 September.

Consideration was given to:

- The need to work closely with the DWP with regard to Universal Credit
- Cashless payments and the need to look into options for people who may have problems with the scheme.
- Whether the loss of parking income for the MSCP had been budgeted for and the proposed size of bays in the car park



- Whether the building works in the MSCP had impacted on other car parks in the town.
- The impact of the sale of the Crediton office on Citizens Advice in Crediton.

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

## 68 **FORWARD PLAN (1-15-52)**

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

Consideration was given to the Greater Exeter Strategic Partnership report which had been delayed, the reasons for the delay and the need for the report to be approved by all 4 Councils within the partnership.

It was **AGREED** that the Committee see the report prior to it being considered by the Cabinet.

It was also **AGREED** that the Committee consider the Market Rights Policy.

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

## 69 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-25-17)**

Cllr T W Snow raised the issue of scaffolding in Cullompton and that it had been in place for a long period of time. It was agreed that this matter be looked into – **Update - information with regard to scaffolding was available via the following link**  
[Scaffolding | Roads and transport](#)

There were no further items identified for future meetings that were not already on the Work Plan.

(The meeting ended at 3.42 pm)

**CHAIRMAN**