

## PLANNING COMMITTEE AGENDA - 5th June 2019

### Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>19/00435/FULL - Siting of a storage container at Mid Devon District Council, Unit 3, Carlu Close.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
02.	<p>19/00118/MOUT - Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane at Land at NGR 301216 106714 (West of Siskin Chase), Colebrooke Lane, Cullompton.</p> <p><b>RECOMMENDATION</b> Grant subject to conditions</p>
03.	<p>18/01800/MFUL - Construction of an on-farm anaerobic digestion plant and associated infrastructure at Land at NGR 285024 100245 (East of Lords Meadow Industrial Estate), Crediton, Devon.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>

Application No. 19/00435/FULL

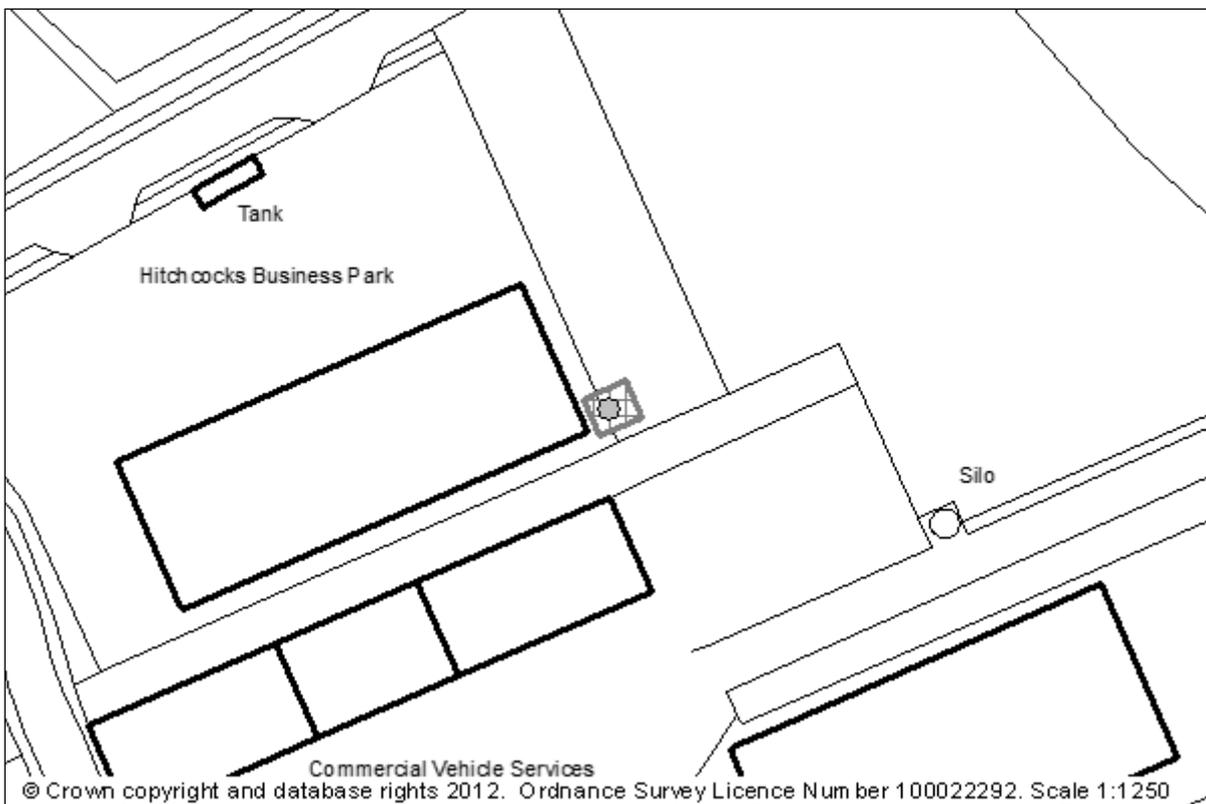
Grid Ref: 305081 : 112318

Applicant: Mr James Peathey-Johns, Mid Devon District Council

Location: Mid Devon District Council  
Unit 3  
Carlu Close  
Hitchcocks Business Park

Proposal: Siting of a storage Building

Date Valid: 19th March 2019



## **APPLICATION NO: 19/00435/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application seeks permission for the change of use of land from the existing car park serving the adjacent waste & recycling centre, to B8 storage use for Mid Devon District Council Grounds Maintenance Depot (having moved to this site from Park Nursery Depot Tiverton), with associated operational development namely the siting of a small storage container/building measuring 6.5m x 7.0m with an eaves height of 2.4m and ridge of 3m. The building will be clad in box profile sheeting, with a secure door and is to be coloured to match that of the adjacent building also operated by the applicant.

### **APPLICANT'S SUPPORTING INFORMATION**

Plans

Photo of example

### **RELEVANT PLANNING HISTORY**

17/00097/DCC - DCCGNT date 28th March 2017

DCC/3939/2016 - County Matter application for change of use of existing building from commercial use to a waste transfer station for municipal waste

17/00135/FULL - PCO date

Variation of conditions (2) and (13) of planning permission 14/01310/MFUL to allow substitute plans, change foul drainage disposal to private treatment plants instead of mains drainage and to revise internal road and footpath layout

17/01362/DCC - DCCGNT date 20th September 2017

DCC/4016/2017 County Matter Planning Application for the Installation of weighbridge and erection of weighbridge control room, water storage tank and pump room

18/00302/FULL - PERMIT date 20th April 2018

Change of use from car park to storage (Class B8) and installation of weighbridge and control room at Carlu Close and change of use of land to car park on land adj Lucas Yard

12/01630/FULL - PERMIT date 7th May 2013

Change of use of agricultural building to B1 and B8 employment use, associated yard area and erection of a storage building

13/01113/FULL - PERMIT date 27th September 2013

Variation of Condition 2 of planning permission 12/01630/FULL (substitution of new plans)

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR 18 – countryside

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 – High quality design

DM8 – Parking

DM20 – Rural employment development

## **CONSULTATIONS**

Highway Authority - 26.03.19

Standing advice applies please see Devon County Council document  
<http://www.devon.gov.uk/highways-standingadvice.pdf>

HALBERTON PARISH COUNCIL - 10th April 2019

Halberton Parish Council has no objections, on the assumption that the Fire Authority is being consulted on changes to the emergency exit arrangements of nearby buildings which are affected by this application

## **REPRESENTATIONS**

None received at date of report

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Policy**
- 2. Access and parking**
- 3. Traffic movements from the site.**
- 4. Visual impact.**
- 5. Drainage.**
- 6. Other topics**

### **1. Policy:**

Policy COR18 of the Mid Devon Core Strategy (Local Plan part 1) seeks to control development outside defined settlement boundaries but permits appropriately scaled employment development. Policy DM20 of the Mid Devon Development Management Policies (Local Plan part 3) considers countryside locations, where planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use scale for its location.

- a) The development would not lead to an unacceptable impact on the Local road network.**

There will be no substantive increase in traffic generation associated with the application, as such the proposed will not lead to any impacts to the highway network.

- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and**

The site is well enclosed and surrounded by existing buildings. The scale, mass and appearance of the proposed will have only a negligible impact on the setting.

- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.**

The proposed site is considered to be the most appropriate location for the proposed storage building to serve the main building and is to improve facilities to serve an existing employment use.

## **2. Access and parking.**

Policy DM2 and DM8 consider the need for suitable access and parking facilities associated with this application.

The proposed development will be served by the existing main site access and internal road infrastructure. The proposed materials include compacted stone and concrete bases for storage building within the grounds maintenance depot. The Highway Authority has no comments to make. The proposal will decrease parking provision on the site by a very small amount but is considered to still be in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Development Management Policies (Local Plan part 3).

## **3. Traffic movements from the site.**

Policy DM2 considers High Quality design and the need to create a safe and accessible place that also encourages sustainable modes of transport. The site is close to the main bus routes with appropriate connectivity to these routes. However there will be no increase in the traffic movements as the grounds maintenance are already operating from the site, and there is to be no additional items or requirement to increase movements.

## **4. Visual impact.**

Policy DM2 also considers the proposal may have in terms of its impact on the local character, the proposed new structure will be very modest in scale and in this location will have minimal visual impact and will be seen in context of the much larger buildings around the site. There will be no discernible impacts on the surrounding countryside.

## **5. Drainage.**

The proposed will drain into the existing system which has sufficient capacity to deal with the very small potential increase in surface water.

## **6. Other topics**

Halberton Parish council have raised an issue relating to any changes that the proposed may have to emergency exit arrangements of nearby buildings, which may be affected by the proposal. The impacts on any fire emergency exists is for the fire authority and Building control to consider in this instance. The granting of consent does not override this consideration and so it is for the applicant to ensure any appropriate compliance.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The external appearance of the building is to match in appearance and colour that of the adjacent building approved under 17/00097/DCC

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Adopted Mid Devon Local Plan Part 3 (Development Management Policies) Policy DM2.

## **REASON FOR GRANT OF CONSENT**

The planning application site is located within an established Business Park and the proposed development is complementary to and will be used in association with an existing Waste and Recycling Centre. Development will have no significant adverse impact on interests of relevance to planning, including landscape and visual amenity, highway safety, local residents, the environment and ecology, drainage and flood risk. As such the proposal is considered to comply with Policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM8 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/00118/MOUT

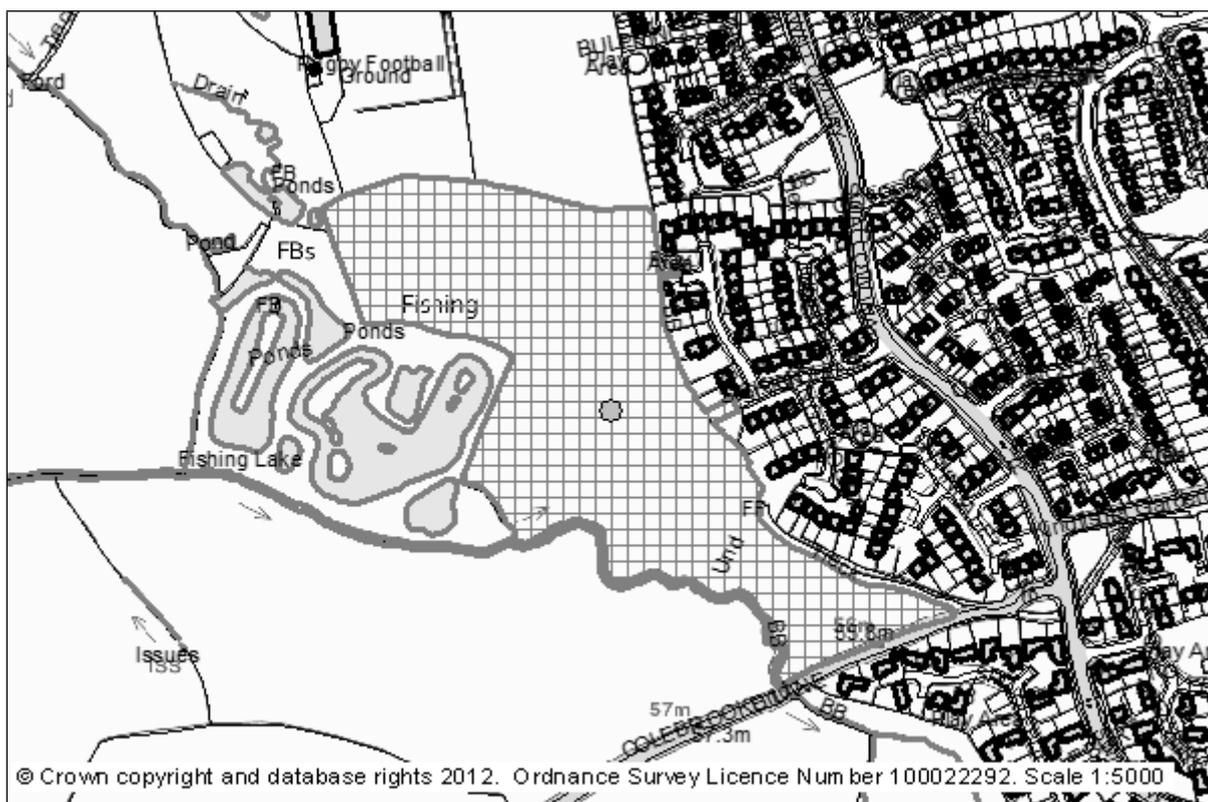
Grid Ref: 301216 : 106714

Applicant: Taylor Wimpey UK Ltd

Location: Land at NGR 301216 106714 (West of Siskin Chase)  
Colebrooke Lane  
Cullompton  
Devon

Proposal: Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane

Date Valid: 23rd January 2019



## **APPLICATION NO: 19/00118/MOUT**

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a S106 agreement to secure the following:

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) Financial contribution of £7,500 per dwelling towards the provision of the Town Centre Relief Road
- 3) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).
- 4) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).
- 5) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).
- 6) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service
- 7) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.
- 8) Implementation and monitoring of a Travel plan
- 9) Provision of public open space, allotments and play areas on site.
- 10) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

Should there be any changes to the s106 requirements listed above prior to the signing of the s106, these shall be referred back to planning committee for consideration

### **PROPOSED DEVELOPMENT**

This is an outline application to establish the principle of development on the site, with all matters such as appearance, landscaping, layout and scale reserved for future consideration within any reserved matters application. The access is the one matter for which approval is sought as part of this application.

The site is located to the south west of Cullompton and is currently an irregularly shaped agricultural field accessed by way of a field gate off Colebrook Lane, which lies along the southern boundary of the site. The site slopes gently downwards in a broadly north to south direction. To the north of the site is the Cullompton Rugby club land, to the east is the existing residential development of Siskin Chase and to the west of the site are open fields.

The application is accompanied by an indicative layout plan and should be treated as such. It indicates how 105 dwellings, areas of open space and estate roads may be accommodated and laid out on site but should not be considered as an approved or final layout as this would be established at reserved matters stage.

The location of the access to the site, does form part of the consideration of this application. Vehicular access is proposed off the existing cul-de-sac known as Siskin Chase. Further pedestrian access is proposed to the south of the existing play area at the northern most end of Siskin Chase. A further pedestrian/cycle access is proposed at the southern end of the site out onto Colebrook Lane and at the northern end of the site which borders with the Rugby Club land.

The submitted indicative layout plan indicates areas of Public Open Space towards the southern end of the site, adjacent to Colebrook lane together with an area of allotments.

## **APPLICANT'S SUPPORTING INFORMATION**

Arboricultural Impact Assessment Report  
Design and Access Statement  
Draft Heads of Terms  
Ecological Impact Assessment  
Energy and Sustainability Statement  
Flood Risk Assessment and Drainage Strategy  
Heritage Statement  
Landscape and Visual Impact Assessment  
Planning Statement  
Statement of Community Involvement  
Transport Assessment  
Tree Constraints Plan  
Tree Protection Plan  
Waste Audit Statement  
Transport Assessment  
Various plans

## **RELEVANT PLANNING HISTORY**

18/01826/SCR - CLOSED date 16th November 2018  
Request for Screening Opinion in respect of proposed development of 105 dwellings together with associated amenity and open space provision landscape and access from Siskin Close

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 Sustainable Communities  
COR2 Local Distinctiveness  
COR3 Meeting Housing Needs  
COR8 Infrastructure Provision  
COR9 Access  
COR11 Flooding  
COR14 Cullompton

### **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/DE/3 Affordable Housing Site Target  
AL/DE/4 Occupation of Affordable Housing  
AL/IN/2 Development without Community Infrastructure Levy  
AL/IN/3 Public Open Space  
AL/IN/4 Green Infrastructure  
AL/IN/5 Education Provision  
AL/CU/15 Cullompton Air Quality  
AL/CU/20 Colebrook

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 Presumption in favour of sustainable development  
DM2 High quality design  
DM4 Waste management

DM6 Transport and air quality  
DM8 Parking  
DM28 Green infrastructure in major developments

## **CONSULTATIONS**

### **FLOOD and COASTAL RISK MANAGEMENT TEAM – 7<sup>th</sup> March 2019**

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### **Observations:**

The applicant has submitted greenfield runoff rates using the "developable area" of 2.9ha. However, Devon County Council require greenfield rates to be calculated using impermeable area only which as stated to be 1.74ha in section 6.23 in the FRA. Please submit revised calculations using the impermeable site area only.

Section 6.37 states that "The detention basin and swale could be maintained by the Local Authority, funded by a commuted sum". The local authority will not be able to take on maintenance responsibilities therefore SuDS features will need to be passed to a private maintenance company upon completion.

### **FLOOD and COASTAL RISK MANAGEMENT TEAM - 17<sup>th</sup> April 2019**

#### **Observations:**

Following my previous consultation response (FRM/MD/00118/2019; dated 7<sup>th</sup> March 2019), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Groundwater was encountered during the site investigation (dated May 2018). Groundwater will need to be accounted for within the design of the surface water drainage system. The excavation of a basin or tank will need to account for groundwater, these structures will also need to account for any effects (such as flotation) which can occur due to high groundwater levels. If groundwater is not monitored within the vicinity of the storage features then a conservative level should be used (at the moment a groundwater record of 0.2m below ground level is close to the proposed storage feature).

A SuDS Management Train should be implemented to ensure that surface water is well treated before

being discharged to the watercourse. If an attenuation tank is proposed then a robust statement will need to be submitted at the next stage of planning to clarify why an above-ground feature cannot be

implemented. If an attenuation tank is proposed then above-ground features will still be needed to ensure sufficient treatment of surface water. If a storage feature formed by bunds is proposed, then the Local Planning Authorities Landscape Officer may need to review this.

#### **Recommendation:**

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as

the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018) and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13<sup>th</sup> March 2019).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits

within the site layout, manages surface water safely and does not increase flood risk downstream.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

## **HISTORIC ENVIRONMENT TEAM - 30.01.19**

I refer to the above application and your recent consultation. The proposed development site lies in an area of archaeological potential with regard to known prehistoric and Romano-British activity within Cullompton and in the surrounding landscape. The geophysical survey undertaken in support of this application does not indicate the presence of any significant heritage assets with archaeological interest within the proposed development site. However, several anomalies have been identified that indicate the presence of archaeological deposits that will be affected by the proposed development. As such, the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The

WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine nature and significance of anomaly 8, as identified in the geophysical survey report, any further mitigation here would depend upon these results. In addition, the south-eastern part of the site should be subject to strip, map and recording where the survey has identified discrete anomalies that may be pits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

#### **HISTORIC ENVIRONMENT TEAM - 26.03.19**

I refer to your recent re-consultation. The Historic Environment Team have no additional comments to make to those already made,

#### **PUBLIC HEALTH - 05.02.19**

Contaminated Land:

The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site.

Recommended conditions:

1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.

2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.

3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

Reason: In the interests of public health and the protection of the environment

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice before complying with these conditions.

#### Air Quality:

Given that Cullompton is in an Air Quality Management Area (AQMA), the recorded concentrations of relevant traffic related Nitrogen Dioxide (NO<sub>2</sub>) pollution is high and concerns are that developments within the area might contribute to the deterioration of poor air quality in certain locations.

These concentrations apply to areas where there is residential exposure in the town-centre and consequently, all major development in Cullompton area giving rise to new traffic trips within the town has to be managed carefully.

Recent monitoring data in the vicinity of the area indicates that the development may contribute to a deterioration in air quality and in certain locations, exceedances of the national air quality objectives (Air Quality Regulations - Part IV of Environment Act 1995) for nitrogen dioxide and particulates. This is due to the mass of emissions arising from transport movements generated by the proposal during both construction and operational phases and by increased trips through the town centre.

As such, an adequate and comprehensive proactive assessment and mitigation of air quality concerns is required. A Low emission assessment, which accounts for the cumulative impact of development within the AQMA as a whole, should be provided.

To assess the air quality impact we will require further information in order to consider air quality constraints adequately'

- An integrated Transport Assessment, traffic pollution mass emission assessment and low emission strategy (LES) which takes account of the cumulative effect on local air quality of the proposed development alongside other proposed new developments within the AQMA. Furthermore, within the LES, sets out defined changes arising from a range mitigation measures/options.

- Consideration to be given to a planning obligation/s106 agreement contribution to the delivery of the Cullompton Air Quality Action Plan to ensure the proposed development is acceptable in planning terms.

A report of the above assessments and its recommendations shall be submitted for consideration to the Local Planning Authority for consultation with Public Health and Regulatory Services prior to any decision on the proposal.

Environmental Permitting:  
No objection to this proposal

Drainage:  
No objection to this proposal

Noise & other nuisances:

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and

construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

**PUBLIC HEALTH** 1<sup>st</sup> May 2019

**Air Quality update:**

The Air Quality and low emissions assessment provided for the proposed residential development at Siskin Chase, Cullompton, is now considered acceptable. Taking into account the cumulative traffic, the results show that the development will not cause exceedances of the air quality objectives, and the impact of the development is considered to be satisfactory.

Necessary migration can therefore be secured by appropriate conditions and/or through the s106.

RSPB - 13th February 2019 - Thank you for inviting the RSPB to comment on the above application, we are pleased to see that provision will be made for building dependant bird species.

We are concerned that the numbers recommended are less than is currently accepted best practice as described in RIBA Publishing's Building for Biodiversity 2nd Edition 2016:

The latest guidance from the Town and Country Planning Association and The Wildlife Trusts, Planning for a Healthy Environment: Good Practice for Green Infrastructure and Biodiversity (2012), uses guidelines from Exeter City Council's Supplementary Planning Document Residential Design (available at: [www.exeter.gov.uk/index.aspx?articleid=127302010](http://www.exeter.gov.uk/index.aspx?articleid=127302010)). It recommends that nesting and roosting boxes be included as part of the fabric of the building for building-reliant birds (e.g. swift, swallow and house martin) and bats and birds associated with urban areas (e.g. house sparrow and starling). As a guideline, the number of built-in provisions of nest or roost sites per development should be approximately the same as the number of residential units. However, this provision would be located in the parts of the site suitable for the species in question and can be in residential or non-residential buildings.

We have come to the conclusion that as nest cups for swallows and house martins are retro-fitted, need ongoing maintenance and are easily removed they should not be conditioned but left to the discretion of the new occupiers

We are also concerned that equal numbers of bat tubes to bird nest boxes makes limited ecological sense as the types of bat that use the former tend to roost in groups and a bird box will only be used by one pair at a time !!

In Exeter recently Taylor Wimpey have concurred with this advice and are fitting a much higher ratio of bird boxes to bat tubes.

We strongly recommend that the number of bird boxes are increased and made a condition if planning consent is granted.

**RSPB** - 25 March 2019

Thank you for asking us to comment on the above, these are unchanged from our previous comments, the attached from Action for Swifts which we fully endorse may be helpful.

**DEVON COUNTY EDUCATION** - 13.02.19

Regarding the above application, Devon County Council has identified that the proposed increase of 105 family type dwellings will generate an additional 26.25 primary pupils and 15.75 secondary pupils which will have a direct impact on primary schools in Cullompton and Cullompton Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Primary School Provision:

Devon County Council has already forward funded schemes at Willowbank Primary School and St Andrew's Primary School to provide capacity for future development and increasing demographics within the town. The cost of these expansion projects will be recouped from development in the town as it comes forward. Additionally, a new primary school is proposed as part of the NW Urban extension which is necessary to ensure sufficient pupil places for children living within the town. The new primary school will also be funded by development.

The County Council has indicated in our responses to other planning applications across the town (17/01170/MOUT, 17/01178/MFUL and 17/01346/MOUT) that pupils from 200 dwellings can be accommodated at the expanded schools. As such, the first 200 dwellings approved in the town will be required to pay the DfE extension rate of £13,652 per pupil (£3,413 per dwelling, equating to £358,365.00 for this development). Development beyond the first 200 dwellings approved will be required to contribute towards the delivery of the new primary school, and will therefore be required to pay the DfE new build rate of £16,019 per pupil (£4004.75 per dwelling, equating to £420,498.00 for this development). Therefore the amount requested from this development will be dependent upon the time of determination. This request relates directly to providing education facilities for those living in the development.

Secondary School Provision:

Although Cullompton Community College has some forecast 'spare' capacity available, this is expected to be filled by sites allocated in the submission Local Plan. As this site is a contingency site in the Local Plan, it is not considered to be allocated and therefore a proportion of this spare capacity has not been assigned to this application site. As such, a contribution towards secondary expansion is expected to be required from the development. The contribution sought would be £345,255.00 (based on the DfE extension rate of £21,921 per pupil). This will relate directly to providing education facilities for those living in the development.

Early Years Provision:

In addition, a contribution towards Early Years provision would be needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £26,250 (based on £250 per dwelling). This

will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2015 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

**NATURAL ENGLAND - 1 February 2019**

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**NATURAL ENGLAND – 25<sup>th</sup> March 2019.**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 01 February 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the

amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult.

## **DEVON, CORNWALL & DORSET POLICE**

Police have no objections in principle to this proposal. It is appreciated that at this time it is an outline application, as such I am unable to comment in depth as the only available proposed layout drawing does not reveal many, if any details that would be of concern to the police. However, the reference to Crime Prevention within the Design and Access Statement is noted and welcomed. The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community, in addition to the layout the physical security is now a consideration.

Planning applications should demonstrate, generally in the Design and Access Statement, how the principles of Crime Prevention through Environmental Design (CPtED) combined with the principles and practices of Secured by Design (SBD) have been considered and incorporated into the design and layout of all new developments. This helps provide reassurance and will ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

CPtED principles:-

'Access and movement - Places with well-defined and well used routes with spaces and entrances that provide for convenient movement without compromising security.

'Structure - Places that are structured so that different uses do not cause conflict.

'Surveillance - Places where all publicly accessible spaces are overlooked.

'Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

'Physical protection - Places that include necessary, well-designed security features.

'Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

'Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime.

Having reviewed the available outline masterplan, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

The one main access into the development creates strong active frontages with good neighbourly surveillance opportunities to deter criminal activity and anti-social behaviour (ASB).

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

Where dwellings are adjacent to public open space, (POS), considerations should be given to the inclusion of defensive planting as part of clear boundary definition for private and public space.

Any proposed pedestrian routes must not run to the rear of and provide access to gardens, rear yards / parking courts or dwellings as this has been proven to generate crime and anti-social behaviour (ASB).

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

With regard to the proposed allotments, which can be the target of crime and ASB, consideration must be given to appropriate security measures with for example the inclusion of a robust perimeter fence and gates.

**DEVON, CORNWALL & DORSET POLICE –**

Thank you for this application.

Police have no additional comments to those of 4th February 2019.

Kind regards

**ENVIRONMENT AGENCY - 08.05.19**

Thank you for consulting us on this application.

Environment Agency position

The development will be acceptable provided that a condition regarding flood resilience is included within any permission granted.

The suggested wording for our recommended condition is set out below, together with associated advice on flood risk.

Condition

No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority.

Reason - To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them.

Advice - Flood Risk

We hold no objections but do raise some issues as material considerations.

Flooding of Colebrook Lane and third party land

There is a history of flooding from the Cole Brook, most notably in August 1997, which resulted in water flowing east along Colebrook Lane into Spindlebury and Swallow Way. Numerous residential properties in Knightswood were flooded. Indications are that the road culvert under Colebrook Lane is of limited flow capacity which can lead to instances of water flooding Colebrook Lane and in larger floods water flowing east and effecting third party land. Development provides an opportunity to upgrade this culvert, perhaps in conjunction with Devon County Council in their role as the Highway Authority.

The proposed pedestrian/cycle link onto Colebrook Lane would increase the risk of flooding of Colebrook Lane because it would act as a flow path for flood waters, through an existing bank/wall. We advise that the proposal be revised to reduce the likelihood of water passing onto Colebrook Lane.

It may be feasible to construct an embankment, or bolster the existing earth and stone wall, along the southern and eastern boundary of the proposed area of public open space, in conjunction with

other minor earthworks, to encourage the storage of flood water reducing risk downstream. We are happy, and indeed would suggest either hosting, or attending, a meeting to discuss the above.

Proximity of some of the proposed properties to existing ponds.

Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.

Advice - Flood Resilience

Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:  
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

**HISTORIC ENGLAND** - 09.04.2019

Thank you for your letter of 21 March 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

**HIGHWAY AUTHORITY** – 25<sup>th</sup> March 2019

Observations:

The Highway Authority has considered the application and the transport assessment, and are accepting of its contents as a reasonable expectation of the traffic generations likely within the development. The application is in out line and details beyond the point of access are to be determined through the reserve matter application.

Current emerging policy requires the delivery of the distributor road through the NW Cullompton allocation before the site comes forward, however the Secretary of states Inspectors decision on the traffic in Cullompton would result in such requirement falling foul of CIL regulations, The Highway Authority through the enquiry in public(LPR) have requested that this is now removed from policy based on the Inspectors decision.

The Highway Authority are content to accept a single point of vehicle access, but would require that an emergency/Footway/ cycle way access is formed to the west of the site and again the use of Colebrook lane cycle lane access can also be for emergency vehicles too. Similarly the use of this point of access to the land should be used for construction vehicles to avoid conflict with residential traffic in Siskin Chase and should form part of the construction management plan. The internal layout will need to demonstrate suitable speed reducing features e.g. Speed reduction bends or other Horizontal alignment features.

The Highway Authority would support the Local planning Authority in seeking contributions to the Town centre relief road, and may require contributions towards public transport to be included in a legal agreement through the Town and country planning act.

Therefore the following conditions should be imposed

Recommendation:

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION**

Prior to commencement of any part of the site the Planning Authority shall have

received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Flood management Act

3. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

4. No development shall take place until details of the layout and construction of the Colebrook lane access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the

development is brought into use.

REASON: To ensure the layout and construction of the access is safe in accordance with NPPF

5. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

6. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

## REPRESENTATIONS

41 letters of objection have been received summarised as follows:

- Ability of DCC to change their minds about the need for NW link road to be in place
- Concern over use of Siskin chase for more housing and construction traffic – safety issues, existing parking, narrowness of road
- Greater number of parking spaces required than shown
- Impact on all roads leading to motorway at rush hours
- Why go to great expense of producing a development plan and then not stick to it
- Dangerous levels of air quality in town at present
- J28 is at capacity
- Road surface in Siskin chase is already cracking and who will repair this
- Developers have said that they can't put access in from Colebrook lane as it's too marshy but why are they building houses there?
- Increased waiting times for doctors and dentists – increased pressure on services
- Colebrook lane wouldn't be suitable for access as it's a narrow rural lane
- Colebrook lane would be the most suitable access point
- Disturbance to bats and geese
- Concern over the accuracy of the documents submitted by the applicant and that they are biased. MDDC should commission their own reports and studies
- Overwhelming number of journeys made from the site will be by car
- Increased risk of flooding to existing properties
- Mud from builders traffic will be dragged onto the road
- Will inevitably lead to the development of the rugby club land

2 letters of either support or neutral have been submitted summarised as follows:

- Glad to see some further development
- Good quality proposed with large areas of POS

- More housing is good for the economy
- No objection subject to their being sufficient highway capacity for both this site and the NW Cullompton allocation

A further letter of representation has been received from the RD&E NHS Foundation Trust requesting a financial contribution from the development towards their services. This is dealt with in section 8 below.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Principle of development and 5 year housing land supply**
- 2. Highway safety**
- 3. Air quality**
- 4. Drainage and flood risk**
- 5. Public open space and green infrastructure**
- 6. Landscape and ecology**
- 7. Heritage**
- 8. Section 106 obligations**
- 9. Comments received**
- 10. Planning balance**

### **1. Principle of development and 5 year housing land supply**

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Crediton.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types.

Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

Policy COR14 sees Cullompton developing as a small market town with the provision of market and affordable dwellings and employment floorspace. The policy sets out a number of objectives to improve transport, flood risk and the town centre environment.

The emerging Mid Devon Local Plan Review (submitted for examination) focuses development mainly on Cullompton and Tiverton with Cullompton being identified as an area for strategic growth. The application site is allocated under policy CU21 in the Local Plan Review (LPR) submission as a contingency site and states:

**A site of 4.8 hectares at Colebrook is identified as a contingency site for residential development to be released in accordance with Policy S4, subject to the following:**

- a) 100 dwellings with 28% affordable housing;**
- b) The development shall not commence until completion of the North West Cullompton through route linking Tiverton Road to Willand Road;**
- c) Provision of two points of access from Siskin Chase;**

- d) Provision of 1.1 hectares of green infrastructure, to include the retention of land in the floodplain as informal amenity open space and for Sustainable Urban Drainage provision;**
- e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;**
- f) Archaeological investigation and appropriate mitigation; and**
- g) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts.**

Policy S4 of the LPR states that sites identified as contingency sites will be permitted to boost housing supplies if cumulative housing completion levels fall below expected rates or a five year deliverable supply of sites cannot be demonstrated.

The site was previously allocated as a contingency site in AL/CU/20 of the Allocations and Infrastructure DPD.

The Local Plan Review has been through examination but the Inspector's report has not yet been received and the Plan has not yet been adopted. At the time of writing this report, The Local Plan Review carries only some weight in consideration of this planning application.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. However since an appeal at Uffcume in 2016, its policies relating to housing delivery in the Core Strategy are considered to be out of date and therefore the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states: *Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
  - or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF.

Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 10 of this report.

The principle of developing the site for up to 105 dwellings and the proposed means of access to the site are the only issues for consideration through this application. The quantum of development proposed reflects the policy aspirations in the LPR, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed.

Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

Mitigation is proposed to off-set the impacts of the proposed development and a package of Section 106 obligations will be delivered (see section 8 of this report)

## **2. Highway safety**

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services.

The NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

As set out above, policy CU21 sets out the requirement for the completion of the North West Cullompton through route linking Tiverton Road to Willand Road prior to the commencement of development on this site. As Members will be aware, the road in question has not commenced construction and therefore to grant planning permission for 105 dwellings on this application site would be contrary to that policy. That does not mean that planning permission must be refused as section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 advised that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (underlining for emphasis only)

In November 2017, a planning application for 259 dwellings on an unallocated site in Willand was refused and appealed. One of the reasons for refusal was concerned with the impact additional traffic from the development would have on Junction 28 of the M5 and congestion on the surrounding road network. The inspector took considerable time to look at the operation of the junction and observed queuing for much of the way along Station Road. The Inspector also observed there was a steady stream of traffic between the roundabout and the traffic light controlled junction at the Junction 28 slip roads and no clear signs of an unacceptable delay. Although slow, the Inspector considered there was a steady flow of traffic along Station Road and Millennium Way towards Junction 28. The Inspector's view was that there were no clear signs of unacceptable delay.

It is this appeal decision that the Highway Authority are referring to in their consultation response and as such, do not consider that it would be reasonable to require the North West through route linking Willand Road to Tiverton Road to be in place prior to the occupation of the proposed 105 dwellings. The views of the Inspector in that appeal are a material consideration which in your officers view, outweighs the policy requirement. The Highway Authority would not be able to substantiate a refusal on this matter, despite there being clear wording within the policy, due to a change of circumstances since the policy wording was drafted.

Many of the letters submitted make reference to the perceived inadequacies of Siskin Chase to provide access to 105 dwellings. Many of the letters suggest a potential access from Colebrook Lane. Some residents are in favour of development access coming solely from Colebrooke Lane,

some are against any access from Colebrook Lane. However, the Highway Authority, as statutory consultee has advised that in their view Siskin Chase is an acceptable means of access for the development, requiring a pedestrian/cycle/emergency access only onto Colebrooke Lane. The applicants have also agreed to use Colebrooke Lane for construction traffic to minimise disruption to residents on Siskin Chase. This would be subject to a Construction Management Plan. Access via Siskin Chase accords with the policy requirement of CU21.

Concerns have been received about the levels of parking provision proposed for the site. The current policy (DM8) requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not fall to be considered under this application. Concerns have also been expressed about the quality of the road surface in and around Siskin Chase but this is a maintenance matter for the Highway Authority and does not fall to be considered here.

The applicants are also making financial contributions to mitigate the impact of the development and subject to these, your officers consider that the development can be accommodated without an unacceptable impact on the highway network. The development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy.

### **3. Air quality**

Policy AL/CU/15 of the AIDPD requires development in or adjoining Cullompton will to mitigate its likely impact on air quality in the Cullompton Air Quality Management Area by contributing towards the cost of implementing the Cullompton Air Quality Action Plan including the provision of the Town Centre Relief Road. Developers will be required to prepare and implement a Low Emissions Strategy to ensure the impact of the site on air quality is acceptable.

Policy DM6 of the LP3 DMP requires that development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment, including mitigation measures to reduce negative impacts on local air quality.

The NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

The application is supported by the required documentation which includes mitigation to reduce the impact of the development on air quality. Environmental Health officers are satisfied with the measures to reduce reliance on car travel through the implementation of a Travel Plan (which promotes car sharing, promote walking/cycling and the provision of electric vehicle infrastructure ) and a financial contribution towards the Town Centre Relief Road, although they have recommended more detail on the provision of electric car charging points be provided. This will be conditioned for provision at reserved matters stage when the layout of the site is known.

Subject to securing the mitigation measures, your officers consider that the proposal complies with policies AL/CU/15 of the AIDPD and DM6 of the LP3 DMP in respect of air quality.

#### **4. Drainage and flood risk**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere.

The site is in Flood Zone 2 (which means there is between a 1:1000 and 1:100 year risk that the site will flood. The lower (southern most part bordering Colebrook Lane) is in Flood Zone 3 (high risk) Cullompton is in a Critical Drainage Area where surface water drainage from development needs to be very carefully considered and managed to ensure that an overall reduction in flood risk is achieved.

Policy AL/CU/3 of the AIDPD requires the provision of a Sustainable Urban Drainage Scheme (SUDS) to deal with all surface water from the development and arrangements for future maintenance.

Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available.

Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have also advised that they have no objections subject to the imposition of a conditions relating to site levels. They have however set out a series of recommendations which can be accommodated (with the exception of the culverting work) within the layout of the reserved matters application. The suggested work to the culvert seeks to deal with an existing situation rather than mitigate the impact of the development and therefore it would not be appropriate to require the developer to carry out this work.

On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3 and criteria d) of policy CU21 of the LPR

#### **5. Public open space and green infrastructure (GI)**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. Policy CU21 of the LPR requires the provision of 1.1h of green infrastructure, to include the land within the flood plain as informal amenity space.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland.

The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The submitted layout plan does indicate a swathe of open space along the southern end of the site, where the flood plain is. It also includes an area for allotments and a local area of play. Given that this is an illustrative plan only, final details will be required as part of the reserved matters submission and the details of its provision will be a requirement of the s106. Given that its provision can be secured by way of a s106 agreement, it is considered that the policy requirement has been satisfied.

## **6. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places.

Policy CU21 requires measures to protect and strengthen trees, hedgerows and other environmental features which contribute to character, biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;

The site is in an edge of settlement location so to the west of the Site, the wider landscape begins to rise and forms rolling hills with varied undulations. This area is characterised by mixed agricultural use with irregularly shaped fields following the landform and separated by dense hedgerows and mature hedgerow trees. The roads become narrow, winding and usually sunken as they run westwards out of Cullompton. The application is accompanied by a Landscape and Visual impact assessment which looks at the impact of the development in terms of visual impact and landscape impact. In order to carry out the assessment, reference is made to the Mid Devon landscape character assessment which was prepared in 2011. The site is located on the boundary between two different Landscape Character Types (LCT). The northern (highest) part of the site is located within LCT 3B: Lower Rolling Farmed and Settled Valley Slopes, and the southern part in LCT 3G: River Valley Slopes and Combes.

The study identifies that LCT 3B: Lower Rolling Farmed and Settled Valley Slopes is a gently rolling and strongly undulating landscape characterised by intensively farmed light soils. The sources of rivers create a lush damp character in the valleys. Woodlands are mixed with dense undergrowth giving a well-wooded character, which gives a strong sense of enclosure. It is primarily pastoral, fertile farmland with some arable with tightly clipped hedgerows unifying the landscape when viewed from distant vantage points. Road are mostly winding with bends and frequently sunken.

With regards to LCT 3G: River Valley Slopes and Combes (the southern part of the site), it is described as a landscape that has a very strong sense of enclosure with lush valleys with attractive, fast flowing streams. Some of the main areas of trees are ancient seminatural woodland. It is a strongly undulating landscape with a variety of sloping land. Woodlands are predominantly characterised by oaks and extensive deciduous tree species. Copses are widespread and have dense scrubby undergrowth.

The submitted LVIA, concludes that visually, the site is relatively well contained within the wider landscape with few long distance views due to the well vegetated and undulating landform. The trees and vegetation to the west of the site, combined with the site's low-lying position contribute to screening and filtering of views of the site from the wider area. The northern part of the site, being slightly more elevated, is slightly more visible. However, due to the sunken nature of many of the surrounding public rights of way and roads, publically accessible views of the site are limited to the local area.

With regards to impact on the landscape, the LVIA concludes that overall, the site is of medium quality and sensitivity to residential development because it forms part of a landscape with reasonable ability to accommodate change and is well related to the adjacent settlement edge of Cullompton. Change would be accommodated on this Site with limited loss of some features or elements, and residential development would not be especially discordant in this location and could be sensitively designed to mitigate harm to landscape character.

In addition, Members are advised that the landscape impacts of a development on the site would have been considered prior to allocating the site. Mitigation proposals would need to form part of the reserved matters application.

With regards to protected species and habitats, an Ecological Impact Assessment has been submitted which shows the survey results for the site. No protected species were found on site but the survey indicates the use of the site for foraging by bats. Mitigation through provision of bat boxes and consideration within the scheme design to items such as lighting will need to form part of the reserved matters application.

Subject these further assessments to inform reserved matters, it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1), CU21 of the LPR and the provisions of the NPPF.

## **7. Heritage**

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

A geophysical survey has been carried out on the site, the results of which have been submitted. Whilst this does not indicate the presence of any significant heritage assets with archaeological interest within the site, several anomalies have been identified and as a result the DCC Archaeologist has recommended that a condition be applied to any consent granted requiring a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches and the south-eastern part of the site being subject to strip, map and recording where the survey has identified discrete anomalies that may be pits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines. With the imposition of their recommended condition, and considering that there are no listed buildings or conservation areas close to the site the development is considered to comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## **8. Section 106 obligations**

The s106 requirements are set out in full at the start of this report.

The applicants are proposing 35% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The Highway Authority have requested financial contributions of £7,500 per dwelling towards the provision of the Town Centre Relief Road and a single payment of £135,000 to support the bus service. As part of the s106, they will also require the implementation of a Travel plan. In addition, your officers are recommending that an area of land to the north of the site be transferred to the ownership of DCC so as to ensure access can be provided into the land to the north, should it be required for development in the future.

The Education Authority have requested financial contributions towards primary, secondary and early years provision.

The NHS have requested a financial contribution towards maintaining service delivery during the first year of occupation of each unit of the accommodation on/in the development. They advise that due to the payment mechanisms, constitutional and regulatory requirements the Trust is subject to, it will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and they go on to advise that there is no mechanism for the Trust to recover these costs retrospectively in subsequent years. Without securing such contributions, the Trust advise that it would have a direct and adverse impact on the delivery of health care in the Trust's area.

The application includes the provision of public open space, allotments and a play area and it is necessary to secure their adequate provision by way of a s106 agreement.

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations satisfies the relevant tests above

## **9. Comments received**

Comments received from members of the public have been addressed in the relevant sections above. In addition, comments have been received regarding the impact of the development on increased waiting times for doctors and dentists and the increased pressure on health services in general. Members will note in the section above, that contributions towards this provision have been requested.

Concern has also been expressed about the accuracy of some of the documents submitted by the applicant and that MDDC should commission their own reports and studies instead. Members will be aware that the Local Planning Authority is required to consult with statutory consultees on planning applications it receives. It is the role of these consultees to assess the relevant information submitted with the application and its appropriateness or otherwise. Members will have seen in the 'consultations' section above that questions or concerns have been raised initially by consultees, who are experts in their fields, and the applicant has been given time to address these. The reports and studies submitted with the planning application have been carried out by qualified professionals and the reports should therefore be read and considered in this context.

Concern has been expressed that approval of this development will inevitably lead to the development of the rugby club land. The plans clearly indicate the desire for pedestrian access into the land and your officers included a requirement in the s106 to ensure that vehicular access up to and including the northern boundary of the site is provided so that this cannot prevent development in the future. It does not however give an indication that development of that land would inevitably be acceptable and nor should the possibility of further land coming forward in future be a barr to development on the application site.

## **10. Planning balance**

As set out in section 1 of this report, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. (officers underlining for emphasis)

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated, and the increase in traffic on the local road network and the motorway junction is acceptable to the Highway Authority, subject to the mitigation outlined above.

Community facilities are to be provided in the form of allotment, a play area and landscaped open space.

The delivery of 105 new homes, including 35% affordable housing weighs in favour of approval of the application. Also weighing in favour of the approval is the financial contribution towards delivery of the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

Weighing against approval of the application is the fact that the application is not policy

compliant in terms of the North West Cullompton road being in-situ but the reason for this has been addressed above.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application.

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings of layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. The detailed drawings required to be submitted by Condition 1 shall include the following information: boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space and green infrastructure, arboricultural method statement and tree protection plan, to include engineering details for any areas of no-dig construction and cabling for electric vehicle charging points at a rate of one per residential property
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. 173040; dated December 2018) and the additional information contained within the letter RE: West of Siskin Chase, Cullompton (dated 13<sup>th</sup> March 2019).
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

9. Details of an inspection regime in respect of the installation of the surface water drainage management system, including any attenuation ponds and outflows, shall be submitted to and approved in writing by the Local Planning Authority before its installation begins. The inspection regime shall include details of key stages of the installation to be signed off by a drainage engineer or other qualified professional and confirmation provided in writing to the Local Planning Authority that each stage of the installation has been provided in accordance with the details approved under Condition 6.
10. No development approved by this permission shall commence until details of finished floor levels of property, and landscaping between the existing ponds and properties, have been submitted to, and agreed in writing by the local planning authority
11. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
12. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the Local Planning Authority for approval in writing. No work shall proceed on site until either the Local Planning Authority grants written consent for the development to commence or the requirements of condition 13 below are met.
13. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition 12 above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the Local Planning Authority.
14. Following completion of any works required by condition 13 above, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted in writing by the Local Planning Authority.
15. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - A. the timetable of the works and a phasing plan;
  - B. daily hours of construction;
  - C. any road closure;
  - D. hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays including 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
  - E. the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- F. The proposed route of all construction traffic to include the temporary use of an access from Colebrook Lane;
  - G. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - H. areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - I. hours during which no construction traffic will be present at the site;
  - J. the means of enclosure of the site during construction works;
  - K. details of wheel washing facilities and obligations, and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways;
  - L. photographic evidence of the condition of adjacent public highway prior to commencement of any work;
  - M. the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. Once approved in writing by the Local Planning Authority, the works on site shall be carried out in accordance with the approved CEMP unless a subsequent variation is agreed in writing by the Local Planning Authority.
16. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
17. No development shall take place until details of the layout and construction of the construction access from Colebrook Lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.
18. Prior to construction of any residential dwellings above slab level (excluding enabling works and excavation), the first 10 metres of the access roads back from its junction with the public highway, and details of the construction compound must be submitted to and agreed with the Local Planning Authority. The access road must be laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway and a site compound and car park have must be constructed in accordance with those details approved.

## **REASONS FOR CONDITIONS**

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 however the timescales have been reduced to reflect the fact that the site is a contingency site and is being brought forward to increase the supply of housing.
4. For the avoidance of doubt and in the interests of proper planning.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
7. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
8. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
9. To ensure that the surface water drainage management system operates effectively to reduce the risk of flooding elsewhere in the Cullompton Critical Drainage Area. This is required prior to commencement of any works to demonstrate that the system manages surface water safely and does not increase flood risk downstream.
10. To safeguard property adjacent an existing ponds from the consequences of a scenario of water discharging from them. Several of the proposed properties would sit adjacent to several existing ponds. The ponds are higher in level than the proposed houses. As such measures should be put in place to safely manage any water that may discharge from the ponds.
11. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development
12. In the interests of public health and the protection of the environment
13. In the interests of public health and the protection of the environment
14. In the interests of public health and the protection of the environment
15. To minimise the impact on the highway network and on nearby residential properties during the construction period.
16. To ensure that adequate information is available for the proper consideration of the detailed proposals.
17. To ensure the layout and construction of the access is safe in accordance with the National Planning Policy Framework.

18. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

## **INFORMATIVES**

- 1) It is recommended that applicants, agents and developers take specialist consultant advice before complying with conditions 12, 13 and 14.

## **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 105 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The access into the site is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to appropriate mitigation as proposed.

The delivery of 105 new homes, including 35% affordable housing weighs in favour of approval of the application as do provision of green infrastructure.

Also weighing in favour of the approval are the financial contributions towards delivery of the Town Centre Relief Road which will provide substantial benefits for delivery of future housing developments and the improvement of the quality of the environment in the town centre.

Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a contingency site and in relation to the requirement for the North West Cullompton linking road not yet having been constructed.

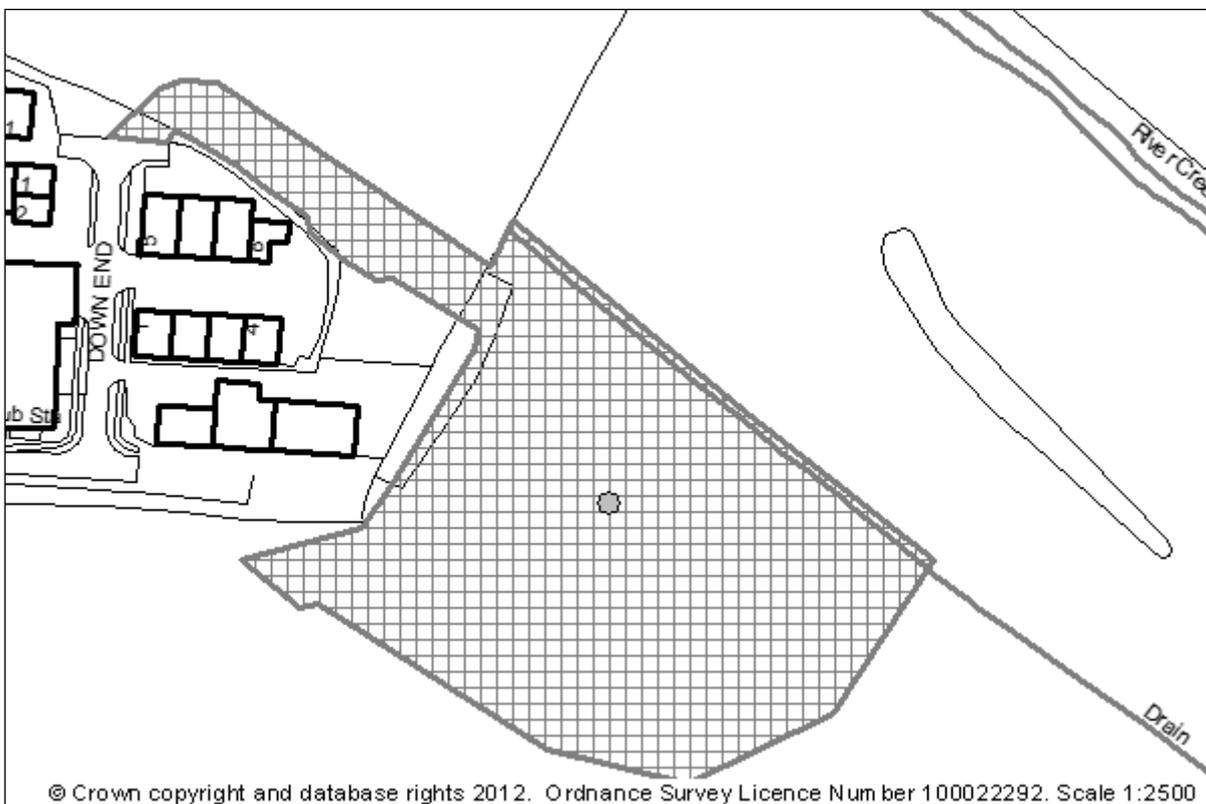
Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable.

The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR10, COR11 and COR14 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM6, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

**Location:** Land at NGR 285024  
100245 (East of  
Lords Meadow  
Industrial Estate)  
Crediton  
Devon

**Proposal:** Construction of an  
on-farm anaerobic  
digestion plant and  
associated  
infrastructure



## RECOMMENDATION

Grant permission subject to conditions

## PROPOSED DEVELOPMENT

The proposed development is for a farm based scheme for the installation of an anaerobic digester (AD) to produce bio-methane (renewable gas) for injection into the national gas distribution network. A gas main runs through the proposed development site. In addition there is a combined heat and power (CHP) generator which will provide the onsite power, in conjunction with the mains power feed, through the network. It is understood that there is no present intention of providing power to the grid via the CHP unit. The proposed gas output model for the plant is to produce approximately 570 cubic metres an hour of biomethane (13,000kwh), which the applicant equates to providing gas for approximately 3,200 homes.

The site is presently a winter wheat crop field which forms part of Downes Home Farm agricultural holding accessed via the surrounding fields and a track off Common Marsh Lane.

The proposal is to provide a new access off the hammerhead at the end of Down End which runs off Common Marsh Lane one of the main routes into and out of the Lords Meadow industrial estate. The site is to be immediately to the east of Lords Meadow industrial park.

The AD plant comprises:

- Two secondary digester tank: height 8m, diameter 28m with a gas collection dome above of height 6m. overall height from excavated site is 14m
- A digester storage tank: height 10m, diameter 10m.
- Two small tanks: height 8m and diameter 15m.
- Two Heat exchange buildings
- 1 x CHP unit (combined heat and power unit): 30m long and 9.4m wide 2.4 Height contained in an acoustic box including a small chimney/exhaust
- Control building/office 25m long x 7m wide 2.4 metres height
- Two silos
- Transformer
- feeder hopper 20m x 4m
- Gas flare dia 1.8m x 9m high
- Feedstock clamps comprising 4 bays: 21m x 28m and a 5<sup>th</sup> Clamp 44m x 18m proposed to hold plant material
- A concrete yard for vehicular movements
- Propane gas tank
- Weigh Bridge

The AD will be fed by approximately 32,500 tonnes of feedstock per annum comprising the following as set out in the Supporting statement:

- |                  |              |                            |
|------------------|--------------|----------------------------|
| • Maize Silage   | 6,000 Tonnes | Rockbeare/Downes Home Farm |
| • Grass Silage   | 5,000 tonnes | Downes Home Farm           |
| • Whole Crop Rye | 2,000 tonnes | Rockbeare/ Downs Home Farm |

• Pig slurry -	2,000 tonnes	Clyst St Mary
• Chicken Litter	3,000 tonnes	Crediton
• Whey	3,000 tonnes	Newton St Cyres
• Farmyard manure –	3,500 tonnes	Rockbeare/ Downes Home Farm
• Waste Grain	1,000 tonnes	Exeter/M5
• Waste Straw	1,500 tonnes	Exeter/M5
• Veg Waste	3,000 tonnes	Tiverton/Wellington
• Brewery Waste	500 tonnes	Exeter
• Horse Manure	1,000 tonnes	Crediton
• Apple Pulp	500 tonnes	Crediton

The resulting products from the AD plant are digestate, heat and biogas the latter fed direct to the gas mains and to power the plant. The heat will be used on site to heat the digester and control cabin. The digestate will be in two forms, liquid and solid and used as a soil conditioner/fertiliser on land at Downes farm.

## **APPLICANT'S SUPPORTING INFORMATION**

Air Quality Technical Note  
 Arboricultural Impact Assessment  
 Computer Generated Imagery  
 Ecological Appraisal  
 Flood Risk Assessment and Drainage Strategy  
 Heritage Impact Assessment  
 Landscape and Visual Appraisal  
 Landscape Appraisal Plans and Visual Analysis  
 Noise Impact Assessment  
 Odour Impact Assessment  
 Supporting statement  
 Transport Statement  
 Waste Audit Statement  
 Plans

## **PLANNING HISTORY**

No specific planning history associated with this site.

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
 COR2 - Local Distinctiveness  
 COR5 - Climate Change  
 COR9 - Access  
 COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
 DM2 - High quality design

DM5 - Renewable and low carbon energy  
DM6 - Transport and air quality  
DM7 - Pollution  
DM8 - Parking  
DM22 - Agricultural development  
DM27 - Development affecting heritage assets

## **Devon Waste Local Plan WPC1 (Sustainable Waste Management)**

### **CONSULTATIONS**

#### **Highway Authority - 27.11.2018**

Comments to follow

19.12.18

The Highway Authority has considered the application and the transport assessment and is satisfied with its content and assumptions. The proposed site is located on an industrial estate with the immediate road network being suitable to cater for the HGV traffic generated by the development. The source points of the fuel for the development have no restrictions on the products they produce and the traffic from these locations would already be on the highway network around their sites with no restrictions on who the product can be sold too.

Much of the fuel source is already being transported to the Downes estate, therefore it would be unreasonable to recommend a refusal on an increase in traffic around these sites as they already utilise these roads without restrictions. Therefore the Highway Authority would raise no objection to this proposed development subject to the submitted plans being conditional to any consent.

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF  
DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO  
THE PROPOSED DEVELOPMENT

#### **HISTORIC ENGLAND - 18th December 2018**

This application for construction of an anaerobic digestion plant, including infrastructure and compensatory flood storage landscaping works, substitutes for one in a slightly different location which was previously withdrawn. We understand that that proposal was withdrawn following objections from the Environment Agency to the fact that it was on land within a high risk flood zone. This has caused a relocation of the development to a site slightly to the southeast.

We have been consulted on this revised scheme at the pre-application stage in relation to its potential impact on the Downes Estate. Downes is a fine grade II\* listed Classical country house of the early eighteenth century, designed and built to a high quality for its relatively modest size. It is set within a designed landscape which retains vestiges of its parkland character to the south and east of the house, but has been somewhat degraded to the north by the loss of trees and hedgerows, including within the application site.

Downes and its immediate landscape has special heritage status which has required our regular involvement with various proposals affecting the estate over recent years. In the process, we have been working with the owners to restore its historic character where possible through a landscape management plan.

The potential environmental impact of an AD plant goes well beyond the historic environment, and, ultimately, heritage impact will only be one of many considerations for your Authority in a proposal of this nature. Whilst our remit is limited to highly graded heritage assets, we are aware that this scheme will be visible from a range of heritage assets, of which the setting of some - such as the designed landscape at Shobrooke Park - will be a more sensitive visual receptor than others. No doubt the Council's own Conservation Officer will be commenting on the scheme's wider heritage

impact. Our comments, however, are limited to the setting of the Downes estate, whose wider parkland setting formerly extended to the area of landscape around the application site.

Clearly the appearance of that area has been considerably affected by both intensive farming methods and the development of the Common Marsh Lane Industrial Estate. The majority of hedgerows and boundary tree planting visible in late nineteenth century OS maps have been lost, however, vestiges of the designed landscape are still detectable in views from the north across the application site. The most visible of these is the copse of trees between Common Marsh Lane and Downes Head.

The proposed site now stands at the east end of the industrial estate, rather than immediately to its north, meaning that it projects further out from the existing development into open countryside, taking it close to the boundary of the Downes Estate. The development will consist of a number of structures and compounds of a clearly industrial character. However, one advantage it has over the previous scheme, is that it would not now require the extensive land re-contouring for compensatory flood storage of the previous scheme, although some changes to levels will still be required to accommodate the structures and equipment.

We have visited the site and assessed the potential visual impact of the scheme from both within the Downes estate and from relevant vantage points outside it. Whilst we consider that the revised scheme could have a greater landscape impact overall, because of the way it would extend the footprint of the industrial estate; with careful landscape mitigation its specific impact on the Downes estate could be kept to a level where potential harm could be minimised.

Our landscape architect has had a discussion with the applicant's landscape consultant and made some specific suggestions for landscape mitigation with the intention of limiting the visual impact of the digester unit. This would be by reinstating, around its site, some of the historic landscape features shown in the 1st Ed. OS map of c.1886, specifically the linear hedgerows and lines of trees that accompanied them.

This suggested approach could reinstate the pattern of trees and historic hedgerows shown around the application site in 1889 as closely as is practicably possible. Even where the hedgerows no longer survive the impression of them could be recreated with a few trees following the linear pattern shown on old maps. Where there is an opportunity to re-establish the actual hedgerow (and not just the trees within them) this too could assist in knitting the new development into its wider landscape.

We note that this application is accompanied by a landscape mitigation plan that generally follows the approach that we advocated in our pre-application advice. It also includes a narrow linear block of tree planting to the north-east of the application site. Whilst this may not be an exact replication of the form of planting shown in the early OS map, it will contribute towards recreating the form of the landscape that was historically associated with the Downes Estate in this area.

Over time, these landscape measures should help, both to filter wider views of the digester unit and to introduce greater variety within an arable area that has become somewhat denuded of landscape interest in the last thirty years. They are not a substitute for avoiding landscape harm altogether, but are a way of limiting and offsetting elements of that harm. Although total screening of the AD plant is unlikely to be achieved by these means on a year-round basis, these measures should assist in mitigating any associated harm caused by the development on the setting of the estate.

Should your Authority decide that the public benefits of this application outweigh any potential harmful impacts, then we would advise that the implementation and maintenance of these landscape mitigation measures are a requirement of any planning permission granted.

There are, of course, other historic landscapes whose setting might be affected by the development, in particular Shobrooke Park, to the north of the development site. Although that is not a site with which Historic England would specifically be concerned in any planning application, I would suggest that your own Conservation Officer advises in respect of that and other heritage assets which might be affected by this proposal.

#### Recommendation

Historic England has no objection to the application on heritage grounds in relation to the setting of the grade II\* listed Downes House.

We consider, though, that the safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 196 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### **HISTORIC ENVIRONMENT TEAM - 30.11.2018**

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33514a

I refer to the above application and your recent consultation. I would concur with the recommendations in section 6.3 of the Heritage Impact Assessment prepared by Richard K. Morriss & Associates that the groundworks associated with the construction of the anaerobic digestion plant should be subject to a programme of archaeological monitoring and recording to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

#### **DEVON, CORNWALL & DORSET POLICE - Re Construction of on farm anaerobic digestion plant & infrastructure 23rd November 2018**

Thank you for this application.

The Police have no comments at this time, and unless the local authority has any specific concern in relation to crime and disorder will have no future comment to make.

Kind regards

Rick Napier

Designing Out Crime Officer

North Devon, Mid Devon & Torridge

Devon and Cornwall & Dorset Police

#### **PUBLIC HEALTH - 27.11.2018**

Contaminated Land	No objection to this proposal
Air Quality	No objection to this proposal
Environmental Permitting	No objection to this proposal
Drainage	No objection to this proposal
Noise & other nuisances	No objection to this proposal
Housing Standards	No comment
Licensing	No comments
Food Hygiene	Not applicable
Private Water Supplies	Not applicable
Health and Safety	No objection to this proposal enforced by HSE.

Constraints Affecting Site:

Area of Special Control of Adverts Area of Special Control of Adverts

Burrington Air Safeguarding Zone Consult on: Consult NATS on all windfarm development

Exeter Airport Air Safeguarding Zone Consult on: Consult EASC on all wind turbine development  
 Flood Zone 2 Risk: 0.1% or greater per annum  
 Flood Zone 3 Risk: 1% or greater per annum  
 Historic Flood Mapping Risk: Combined extent of known flooding  
 Hamlet/Open Countryside Outside Settlement  
 Priority Habitat - grassland Habitat Type: Coastal and floodplain grazing marsh  
 Priority Habitat - grassland Habitat Type: Coastal and floodplain grazing marsh  
 Defined Settlement Crediton  
 SSSI Impact Risk Zone  
 Surface Water Flooding\_Intermediate Susceptibility: intermediate  
 Surface Water Flooding\_Intermediate Susceptibility: intermediate  
 Surface Water Flooding\_Less Susceptibility: less  
 Surface Water Flooding\_Less Susceptibility: less  
 Surface Water Flooding\_More Susceptibility: more  
 Unconfirmed Wildlife Sites Site Name: Upton Hellions - Codshead Bridge  
 Waste Consultation Zone Crediton

Amended Public Health Response 22/11/18

Contaminated Land No objection to this proposal IRW 22.11.18  
 Air Quality No objection to this proposal JMP 22.11.18  
 Environmental Permitting No objection to this proposal JMP 22.11.18  
 Drainage No objection to this proposal IRW 22.11.18  
 Noise & other nuisances Further information is required on this application due to the increase of local development land and an increase in number of sensitive properties within the area.  
 IRW 22.11.18  
 Housing Standards No comment TW 23.11.18  
 Licensing No comments JT 22/11/18  
 Food Hygiene Not applicable AN 22.11.18  
 Private Water Supplies Not applicable AK 22.11.18  
 Health and Safety No objection to this proposal enforced by HSE. AN 22.11.18

Further response from Public Health (EH) dated 8/03/2019

Based on the additional information received it has been agreed that an HIA and Bioaerosols assessment is not required.

**NATURAL ENGLAND - 07.12.18**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website  
 Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

## NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites and landscapes. Natural England's advice on other natural environment issues is set out below.

### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

## ANNEX A

Natural England offers the following additional advice:

### Protected Species

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice.

Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

Providing a new footpath through the new development to link into existing rights of way.

Restoring a neglected hedgerow.

Creating a new pond as an attractive feature on the site.

Planting trees characteristic to the local area to make a positive contribution to the local landscape.

Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

Incorporating swift boxes or bat boxes into the design of new buildings.

Designing lighting to encourage wildlife.

Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

Links to existing greenspace and/or opportunities to enhance and improve access.

Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)

Planting additional street trees.

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/our-work/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

#### **CREDITON HAMLETS 14.02.19**

It was resolved to object to this application on the grounds of odour and airborne dust which would significantly affect both local businesses reliant on clean air and nearby residential developments. The Council has been informed that there is a high risk that several local businesses would have to close or relocate out of the area. The Council understands that in Germany such plants are not constructed within 1500 metres of business and residential areas, unlike the 20 metres for this proposed plant. The Council, whilst supportive of on farm Ad Plants, consider that the edge of the industrial estate is not an appropriate location and that it should be, as the name suggests, on farm where there is already a stock of available feedstuff. The Council take the view that there would be no control of how the plant would be operated in the future regarding movement of traffic around Crediton and are not content that the traffic management plan truly reflects the number of journeys or the impact it would have on Crediton and the local road network.

#### **CREDITON TOWN COUNCIL - 11.01.2019**

After detailed discussion it was resolved to OBJECT to the application due to:

- the adverse visual impact the development will have on Creedy Valley due to its size;
- the level of hard surfacing negatively impacting the Valley edge;
- it not being compliant with the emerging Crediton Neighbourhood Plan.

**NEWTON ST CYRES PARISH COUNCIL** - Newton St Cyres Parish Council has no comment on this application

**SHOBROOKE PARISH COUNCIL** - Shobrooke Parish Council considered this application at its meeting on December 11. Councillors were concerned that this development will lead to an increase in traffic in and around the Parish. The traffic assessment which shows a relatively low number of vehicle movements now, may well increase in the future and Councillors did not feel that this has been taken into account sufficiently

**SANDFORD PARISH COUNCIL** - 10th December 2018 - IT WAS AGREED TO OBJECT TO THIS APPLICATION ON THE GROUNDS OF THE ADDITIONAL TRAFFIC THAT WOULD BE CAUSED PASSING THROUGH RURAL AREAS SUCH AS SANDFORD TAKING WASTE TO THE SITE.

**COLEBROOKE PARISH COUNCIL** - 17.01.2019

Colebrooke Parish Council met on the 15th January and resolved it was neutral in respect of this application

**DEVON COUNTY COUNCIL, FLOOD and COASTAL RISK MANAGEMENT TEAM** - 21 December 2018

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

It is understood that rainwater harvesting is to be incorporated within the system. The applicant should clarify how rainwater harvesting will be implemented. It is understood that four underground tanks will be used for storing surface water and that the digester will only permit an inflow of 1.0 l/s.

The applicant should clarify how precipitation falling on the storage clamps will stay within the storage clamps area and drain into the foul network. The applicant should also clarify how the foul network will connect to the digester.

The applicant should clarify how surface water being stored within the yard area (for a 1 in 100 year (+40% allowance for climate change) rainfall event) will drain into the surface water drainage system.

The applicant should clarify who shall be responsible for the maintenance of the surface water drainage system and provide a maintenance schedule for the system.

**DEVON COUNTY COUNCIL, FLOOD and COASTAL RISK MANAGEMENT TEAM** – 7<sup>th</sup> February 2019

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. Lords Meadow Biogas; Rev. G; dated 26th

October 2018).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

Following my previous consultation response (FRM/MD/01800/2018; dated 21st December 2018), the consultant, acting on behalf of the applicant, has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 28th January 2018, for which I am grateful.

It is understood that surface water being discharged from site will need to be tested to ensure that water quality is satisfactory. If it isn't satisfactory then it will be stored on-site and re-used. The surface water drainage strategy needs to account for an additional 1 in 100 year (+40% allowance for climate change) storm event to ensure that should surface water not be satisfactory to be discharged, then there is still enough storage should another storm event occur. It is understood that this storage will occur within the yard area, surface water will then drain back into the system via gullies and drainage channels.

MicroDrainage model outputs (or similar) will need to be submitted at the next stage of planning to demonstrate that all components of the surface water drainage system are designed to the 1 in 100 year (+40% allowance for climate change) storm event. These outputs shall demonstrate that all of the proposed tanks will store surface water as designed.

**NEWTON ST CYRES PARISH COUNCIL - 11.12.18**

Newton St Cyres Parish Council has no comment on this application

## REPRESENTATIONS

57 contributions received, 37 in support and 18 objections are summarised as follows:

### Support

- 1 Low observable unit, situated on a natural extension to the Lords meadow Industrial Estate
- 2 Out of the flood plain
- 3 Minimal environmental impact on residents and stakeholders
- 4 Advanced Unit utilising waste
- 5 There is a need to be energy sustainable
- 6 More sustainable farming
- 7 DEFRA's Shared Vision for Anaerobic Digestion, the NFU would like to see 1000 on-farm digesters by 2020
- 8 Deliver significant benefits in terms of its contribution to de-carbonised energy provision
- 9 UK is still woefully short of reaching its targets in terms of delivering renewable heat to consumers
- 10 It will capture methane from agricultural waste and residues that would otherwise escape to atmosphere and contribute to the depletion of ozone
- 11 The net result delivers a more efficient facility, with less infrastructure and a smaller feedstock requirement, reducing transport movements compared to more traditional facilities of the same size
- 12 Valuable contribution to local green energy supply
- 13 It is a perfect location and a natural expansion of Lords Meadow industrial estate
- 14 It is clear, concise, well located with sustainable feedstock and cutting edge technology. The plans show an understanding of the requirements for EA permitting. Some key facts to highlight is 1) the process is completely sealed, escaping gas means escaping money, gas and odour cannot escape. 2) any material that does need to be stored on site will be stored in a way that minimises the contact with air as this will again mean loss of money due to degradation of feedstock.
- 15 Transporting the resources will not be routed through the town or the housing areas, and therefore will have minimal impact either on traffic or pollution levels.

### Objections

- 1 Potential smells and noise
- 2 Ruin the Creedy Valley
- 3 Present a high risk of taint to our food and healthcare products for human consumption that are stored adjacent to the proposed development.
- 4 Increase in traffic along Shobrooke road potentially.
- 5 Impact on air quality due to increased traffic
- 6 Not an on farm system but on the industrial estate
- 7 Proximity to residential and commercial properties
- 8 Health risk in close proximity to the AD Plant.
- 9 Risk of explosion
- 10 Better sites
- 11 Detrimental impact on the local economy
- 12 Information within the application is deficient and does not provide sufficient information to make a decision.
- 13 No red line site boundary provided

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

1. **Policy, National Planning Policy Framework (NPPF) and Devon waste**
2. **Access and transport**
3. **Landscape and visual impacts**
4. **Impact on neighbouring residents**
5. **Drainage**
6. **Impacts on Heritage assets**
7. **Other impacts**
8. **Planning balance**
9. **Benefits**

### **1. Policy,**

The proposal relates to the provision of an on farm land Anaerobic Digester to provide Bio- Methane gas to the main gas supply. This proposal is to be considered under the Core Strategy and the Local Plan Part 3, along with other legislation set out below and within the context of the report. Specific policies are to be referenced within their section for clarity.

However there are two main policies that the proposal needs to have set out now, these being Policy COR5 which seeks to contribute towards targets for the reduction of greenhouse gas emissions and support the development of renewable energy capacity in locations with an acceptable local impact including, visual, on nearby residents and wildlife.

Policy DM5 states that proposals for renewable or low carbon energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments, within the parish or adjoining parishes.

### **National Planning Policy Framework (NPPF)**

The NPPF has a presumption in favour of sustainable development which requires development which accords with the development plan to be approved without delay. It specifically requires planning to encourage the use of renewable resources, for example, by the development of renewable energy and requires significant weight to be placed on the need to support economic growth through the planning system.

The NPPF sets out core planning principles which include: seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and; supporting the transition to a low carbon future in a changing climate, encouraging the reuse of existing resource and encouraging the use of renewable resources (for example by the development of renewable energy).

The NPPF suggests that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies.

The NPPF states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design

(unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The NPPF supports the rural economy by promoting the development and diversification of agricultural businesses taking a positive approach to sustainable development in rural areas.

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and design their policies to maximise renewable developments whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative impacts. It states that applicants should not need to demonstrate the overall need for renewable energy and requires local planning authorities to approve applications where the impacts are (or can be made) acceptable.

The NPPF states that planning policies and decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

### **Devon Waste Local Plan**

Policy WPC1 (Sustainable Waste Management) states that planning applications for waste management facilities will only be permitted where they accord with the Objectives of the Waste Local Plan and form part of an integrated and sustainable waste management strategy for the County. When assessing a planning application for a waste management facility, regard will be had to:

- (i) the waste hierarchy;
- (ii) minimising the transportation of waste;
- (iii) self-sufficiency; and
- (iv) whether any potential adverse effects on the environment which cannot be mitigated are outweighed by wider environmental benefits.

## **2. Access and transport**

The associated policies which are to be considered in relation to access are set out in the Core Strategy and in particular Policy COR9 access and the need to ensure the development and transport will be assessed. A transport plan is provided to consider the impacts of the proposed on the highway network. In addition Local Plan Policy DM2 relates to high quality design and includes a requirement to provide a safe and accessible places. DM6 Transport and Air Quality is a key policy with regard to vehicular movements and the proposal will be assessed against the elements within. The NPPF requires a safe and suitable access to be provided to the site and for improvements to be made to transport networks which cost-effectively limit the significant impacts of development. It states that development should only be refused on transport grounds where the residual cumulative impacts are severe. The NPPF and in particular paragraphs 102 to 107 considers the need to provide sustainable transport.

The agricultural element of the business at Downes Home Farm is mixed arable and livestock farm.

The application site is located approximately 500m northeast of Downes Home Farm main farmstead and immediately adjacent to the Lords Meadow Industrial estate. The site is positioned south of the floodplain of the river Creedy, with Shobrooke Park located across the valley. The applicant states that the site has been chosen for its proximity to the land which will provide the necessary feedstocks and the land over which the digestate can be spread, along with proximity to good transport links through the Industrial park.

The Transport Statement (TS) states that vehicles related to the proposed AD plant would travel to and from the application site via the A377 and A3072 only via Lords Meadow Industrial Park. Plans show that there are/will be adequate visibility splays at the proposed access and HGV's can turn into the site and turn within the site using the space at the mouth of the silage clamps.

The feedstock for the AD plant would be provided by the farm business run from Downes Home Farm and Rockbeare. This refers to their wider holdings and not just the Downes Home Farm site.

Feedstock	Amount	Source
Maize Silage	6,000 tonnes	Rockbeare/Downes Home Farm
Grass Silage	5,000 tonnes	Downes Home Farm
Whole Crop Rye	2,000 tonnes	Rockbeare/Downes Home Farm
Pig Slurry	2,000 tonnes	Clyst St Mary
Chicken Litter	3,000 tonnes	Crediton
Whey	3,000 tonnes	Newton St Cyres
Farm Yard Manure	3,500 tonnes	Rockbeare/Downes Home Farm
Waste Grain	1,000 tonnes	Exeter/M5
Waste Straw	1,500 tonnes	Exeter/M5
Veg Waste	3,000 tonnes	Tiverton/Wellington
Brewery Waste	500 tonnes	Exeter
Horse Manure	1,500 tonnes	Crediton
Apple Pulp	500 tonnes	Crediton

Silage would be delivered in trailers and stored in silage clamps the remaining feedstocks and waste will be brought to the site for just in time consumption. There is not proposed to be outside storage other than for the feedstock silage. Any liquid waste such as pig slurry will be transported in sealed containers and fed directly into the system.

There is to be no external storage on site other than for the silage.

The supporting documentation states that there will be a minimal number of traffic movements going to and from the site as a result of the proposal. The figures provided for the vehicle movements show a total of 10.52 two way trips per day which equates to a potential of 3839.8 per year (based on 365 days). It is suggested that a number of these trips will take place over the land holding, transferring directly to the site when conditions allow, thus reducing the number of trips on the highway. It is understood that the number of vehicles which will route via the farm land rather than highway is reliant on weather conditions. However it is likely to be a majority of the visits associated with the on farm material. Having considered this the transport statement does not take into consideration any proposed transport over the land and considers the proposal on a worst case scenario of all transport on the highway.

Details have been provided of the proposed suppliers of the off farm material, and it can be confirmed that these suppliers are relatively local thus reducing the supply chain and reducing the carbon footprint associated with transport. It is not intended to source material outside those listed and set within condition 10 set out below.

Furthermore, the operation of the AD plant will remove the need for fertiliser and compost to be delivered to the site as the digestate will be used on the land instead. Following discussions with the applicant the digestate storage tank on site (dome 2) has a capacity to store up to 9 months of digestate and whilst being stored will also continue to provide small quantities of gas for the main system. It is intended in the future to further reduce transport by providing an underground umbilical pipe to Downes Home Farm to extract the digestate to appropriate tankers/spreading machinery without the need to provide for a slurry store away from the site at Downes Home Farm. This will be subject to a further planning application in the future.

The proposed site is located adjacent to an industrial estate with the immediate road network being suitable to cater for the HGV traffic generated by the development. The source points of the feedstock to be provided for the AD development have no restrictions either over the crops/ by-products produced or traffic levels. Traffic from these locations in connection with this would already be on the highway network with no planning restrictions on their destination.

Crediton Hamlets has commented on the proposal and objects. One of the reasons of objection is they are not convinced that the transport plan truly reflects the number of journeys to and from the site. In their analysis of the application DCC Highway Authority is of the view that the traffic generation within the proposed transport plan reflects the worst case scenario and it is likely that transport movements will be less than that set out in the report. This assumption is made on the fact that a number of the deliveries will be made over the farm land rather than by the highway. It is also noted that there is an intention to provide an underground pipe to take the digestate to Downes Home Farm. However this pipe is not in place and is therefore given little weight in consideration of the acceptability of transport movements. The Highway Authority has commented that "much of the fuel source is already being transported to the Downes estate, therefore it would be unreasonable to recommend a refusal on an increase in traffic around these sites as they already utilise these roads without restrictions."

While it is noted that a number of objections received in relation to this proposal raise concern about the impact of traffic on amenity and road conditions. The Inspector for the allowed Edgeworthy Farm appeal (Ref: APP/Y1138/A/14/2211282) accepted that this could not constitute a reason for refusal as the vehicles involved in serving the site would be a legal size for the highway and the roads would be used legally. It would therefore be unreasonable for the Highway Authority to seek any improvements or maintenance for such use or to restrict the use of that road.

The Highway Authority has raised no objection to the proposal. It is considered that the proposed scheme and associated information is compliant with Core Strategy COR9 and Local Plan Policy DM6 and the NPPF.

### **3. Landscape and visual impacts**

The associated policies which are to be considered in relation to landscape and visual impacts are set out in Core Strategy policy COR2 'Local Distinctiveness'. The policy requires proposed development to sustain the distinctive quality, character and diversity of Mid Devon's environment with the efficient use and conservation of natural resources including energy; and the preservation and enhancement of the natural landscape. COR18 countryside development is also relevant. Local Plan policy DM1 introduces a presumption in favour of sustainable development, and the 2019 NPPF paragraphs 170 through to 183 also relate to conserving and enhancing the natural environment.

The AD site is proposed to be located in a field adjacent to and accessed from Lord Meadow

Industrial Estate and within fields used presently for winter wheat as part of Downes Home Farm. The site is located on land that is typical of the Mid Devon lowland plains landscape character area and is bordered by hedgerows with some small trees. The land slopes from north to south down to the River Creedy. The plant will be prominent in some local views of the site, though the impact is reduced by the location of the plant adjacent to the industrial buildings at Lords Meadow. As such it would be seen grouped closely together with existing structures relating to the business site and not as a solitary new built form in the landscape, although would extend the form of development further to the east.

All existing hedgerows would be retained along with new planting to provide additional screening to the site and a planning condition is recommended to secure their retention in order to maintain their screening properties in the longer term.

The Landscape and Visual Appraisal submitted was conducted with a total of 10 viewpoints considered. The assessment focuses on the overall effects of the completed development and briefly considers construction phase effects. The assessment concludes that the significant effects of the proposed development would be limited to:

- Type of effect: Direct, indirect/secondary or cumulative
- Duration of effect: short, medium or long-term
- Nature of effect: Permanent or temporary and neutral, positive or negative

The assessment states that there would not be any significant effects on the landscape fabric, the character of the landscapes beyond the immediate surroundings of the site, or the visual amenity of most residents, or walkers, equestrian and cyclists in the study area or motorists on the local highway network.

The proposed AD will introduce a large structure into the landscape. The viewpoints provided in the Landscape and Visual Appraisal show that the AD will be more prominent in some views than others, depending on the density of vegetation and the intervening landscape.

For the purposes of this report, and by reading the viewpoints in conjunction with the written assessment, the elevation plans and topographical survey, it is possible to get an adequate impression of the impact and significance of the development in the landscape. It should also be noted that the AD plant will be set within a bund and the site will be subject to some cut and fill. This will sit the plant into the natural slope of the site and slightly reduce the overall height above existing ground level.

The impact of the development can be further mitigated by the external finishes chosen. Correspondence from the applicant confirms that most of the proposed structures would be juniper green. This is detailed on the plans provided, but there is no specific RAL colour for the dome. It is therefore recommended that a planning condition is used to secure this important detail. A submitted planting plan shows extensive planting to the southern boundary along with some re-enforcement of existing hedges. Historic England has commented on the proposal and indicated that the proposed is acceptable subject to the local conservation officer opinion. *"This would be by reinstating, around its site, some of the historic landscape features shown in the 1st Ed. OS map of c.1886, specifically the linear hedgerows and lines of trees that accompanied them"*. This suggested approach seeks to reinstate the pattern of trees and historic hedgerows shown around the application site in 1889 as closely as is practicably possible. Even where the hedgerows no longer survive the impression of them could be recreated with tree planting following the previous historic linear pattern.

The proposed site stands at the east end of the industrial estate, meaning that it projects further out from the existing development into open countryside, taking it close to the boundary of the Downes Estate. The development will consist of a number of structures and compounds of a clearly industrial character.

In order to properly assess the impact of the development upon the landscape, it is important to recognise that landscape has a perceptual aspect, not just a physical one. The European Landscape Convention defines landscape as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. The Mid Devon Landscape Character Assessment identifies the site area as Lowland Plains, the key characteristics it describes as including large scale farmsteads including modern steel framed buildings located on the rolling sides of the land above the valley floor. As such, the proposed AD structures would appear to be typical of this landscape character type and could be perceived as part of or similar to the industrial units adjacent to the site.

While some of the objections raise concern about visual impact in relation to the wider rural landscape, it is considered that the proposed development will read as part of the existing landscape fabric and not a solitary lone feature unrelated to its surroundings. Combined with careful colour choice and potential for some additional screening planting the development is considered to respect the character and appearance of the area in accordance with criteria b) of policy DM22 and will preserve the character and setting of the Shobrooke Park, meeting policy DM27 of Local Plan Part 3 (Development Management Policies). This is considered further in section 6 below.

#### **4. Impact on neighbouring uses including residents and commercial premises**

The associated policies which are to be considered in relation to potential impacts upon neighbouring residents and commercial premises within Lords Meadow Industrial Park are, Core Strategy Policy COR1 which seeks to ensure that growth is managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. Policy COR18 seeks to control development in the open countryside and specifically permits renewable energy developments. Policies within the Local Plan to be considered are Policy DM1 which states that the Council will take a positive approach to sustainable development and approve wherever possible proposals that improve the economic, social and environmental conditions in the area. Policy DM2 requires development to demonstrate a clear understanding of the site and surrounding area and to take into account impacts on local character and landscapes, biodiversity and heritage assets, impacts on neighbouring uses and appropriate drainage solutions. Policy DM7 permits development where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

#### **Odour**

Manures and waste will be transferred directly to the solids feeder on arrival at site for feeding into the digester. A planning condition preventing the storage of any farmyard or chicken waste in the clamps is recommended to avoid odour nuisance and addresses some of the concerns raised by respondents. The silage stored in the clamps will be sheeted restricting potential release of odours.

The digestate (in both solid and liquid form) will be used on land as a soil conditioner and fertiliser. This is in place of the slurry that is currently used. The applicant states that the digestate would

have "significantly lower odour impact than slurry" as the volatile fatty acids in the raw materials is reduced in the AD process and so the potential for odour nuisance is significantly reduced and this would therefore reduce odour emissions during spreading. The Inspector who determined the appeal in relation to an AD plant at Edgeworthy Farm, Nomansland (Ref: APP/Y1138/A/14/2211282) accepted that the reduction in fatty acids as a result of digestion means that the resulting digestates are less odorous than untreated raw slurry which is currently spread on surrounding agricultural land in its raw state and odours released unchecked. In addition to this, the proposed scheme will provide for a pasteurisation of the digestate at commencement of the process which further reduces or eliminates potential odour prior to spreading on the land.

Spreading techniques allow for digestate to be injected into the land, or the dry fibre spread by tractor and spreader. This is much easier to do with digestate coming from the AD compared to slurry on its own. The digester chops the fibres and the digestion process allows a more homogeneous product. In fact the proposal should result in the digestate being a dry fibre; with any liquid that remain, being sent to the watercourse. However the system will also allow for the digestate to be taken from the plant in a mixed form which can be either dribble barred or injected into the land reducing opportunity for release of odour. It is expected that the process will be to utilise the dry fibre method where possible, although either option is acceptable.

The plant would treat the feedstock in a fully enclosed environment thus controlling odour emissions and reduce risk of odour nuisance to residents, passers-by and users of the nearby industrial estate. Slurry would be transported in tractor and (sealed) tanker and then piped from the tanker into the system so the process is completely contained. The applicant asserts that the AD process itself stabilises organic wastes avoiding uncontrolled methane (CH<sub>4</sub>) emissions and odours. Anaerobic digestion can only take place in the absence of oxygen and so all tanks and pipe work must be airtight to keep oxygen out of the system - this will also have the effect of largely containing odours.

Crediton Hamlets has raised concerns with regard to odour and airborne dust which would significantly affect both local businesses reliant on clean air and nearby residential developments. The Council has been informed in representations that there is a high risk that several local businesses would have to close or relocate out of the area.

It is considered that aspects of the AD process and management of the operation adequately address concerns relating to odour raised by respondents. Environmental Health has raised no overall objection to the proposed development based on the odour assessment provided and further control will be applied to the operation through the Environmental Permit process administered by the Environment Agency. The Inspector for the Edgeworthy appeal considered that these are adequate measures to protect against unacceptable odour emissions as a result of the proposed development and in line with the requirements of criteria b) and c) of policy DM22 and policy DM7 of Local Plan Part 3 (Development Management Policies).

Environmental Health (EH) had requested a specific condition be attached to provide a suitable Health Impact Assessment (HIA) to identify and improve the health consequences of any proposed development, including unintended and unanticipated consequences. However following further information from the applicant the (EH) have reconsidered and now do not require a specific HIA for this proposal.

In the appeal by Peel Environmental Services Ltd and Marshalls Mono Ltd: Fletcher Bank Quarry, Ramsbottom. APP/T4210/A/14/2224754 (AD Plant) odour was considered by the Planning Inspector. He concluded that the appropriate control forms part of the EA's regulatory responsibility.

## **Other emissions to air**

No gases from the anaerobic digestions process would be released into the environment. During maintenance or in the unlikely event of a breakdown of the CHP unit or inability to feed the gas line; gas would be burned off via the flare. The only gases that would be released into the environment as a result of the normal operation of the proposal would be exhaust gases from the CHP unit which would need to be maintained within the statutory limits for such emissions.

## **Noise**

The main sources of noise relating to this development are the related traffic movements from operations and the construction period, the unloading of materials on site, the running of the CHP unit and the pumping of digestate to land which will each be considered in turn.

Operating hours for deliveries, exports and maintenance would be between 7am to 6pm Monday to Sunday. The traffic movements to and from the site would not be continuous during that period. While the transport figures given show the number of movements averaged out over the year, this is not an accurate reflection of the pattern of movements likely to take place. The applicant states that harvest of silage feedstocks will take place on approximately 20 days per year between mid-May and the end of October. At these times, delivery traffic movements may need to take place out of normal operating hours in order to complete the job while weather and light allows. This does present some level of uncertainty over the time and duration of vehicle movements, though the applicant stresses that harvests are part of normal agricultural practices and reflect the patterns of vehicle movements already taking place for deliveries of grain to the existing agricultural buildings for storage at harvest time, which run through the Industrial site at present.

Noise will occur during the construction period which would be for a temporary period. It would be appropriate to require a construction environmental management plan by planning condition to control the hours of noise generation, together with dust and local traffic impacts from deliveries during the construction period. In addition it is considered that a further management plan address the operation of the plant. This would seek to control traffic movements to ensure they are in accordance with the information submitted as part of the application.

Reversing alarms from delivery vehicles need to be taken into consideration. Tractors and trailers making deliveries do not tend to have reversing alarms, it would be difficult to condition the vehicles not under the direct control of the operator when deliveries are being made. Therefore this leaves the slurry tanker deliveries and the onsite telehandler as the likely source of reversing alarm noise. It is therefore reasonable to include a condition that the telehandler and any vehicles mainly used on site have the reversing alarm replaced with a light system/or a white noise broadband system. It is also considered that the existing buildings and silage tanks will also act as a noise barrier between the source of the noise and nearest properties.

The submitted Noise Impact Assessment has been informed by a background sound survey conducted over a full weekday and weekend period during a period of fine weather. The background sound survey was completed to the south east of the proposed facility in a position considered representative of the closest residential receptors. The outcome of the Noise Impact Assessment indicates that the level of noise produced by the proposed AD facility will:

- Not exceed 5dB below the background sound level during the daytime, (7.00m – 23.00pm) as required by Mid Devon District Council which is beyond the scope of BS4142:2014, resulting in a 'less than low impact' to the receptors; and

- Exceed 5dB below the background sound level during the night-time (23.00pm-7.00am). However, noise will fall below the background sound level, meeting the strictest criterion of BS4142:2014, resulting in a 'low impact'. Calculated internal noise levels also fall well within the criteria set out in BS8233:2014.

For the benefit of Members, examples are given of noise levels:

Telephone ringing	80 dB
Piano practice	60 - 70 dB
Average road noise	@ 25m - 30m 72 dB
Normal Conversation	60 -70 dB
Washing Machine	70 dB
Vacuum Cleaner@	1m 72 dB

Environmental Health has raised no concerns relating to the noise report submitted and have requested no further noise assessments.

Given that the majority of the noise would be temporary and infrequent and its source is a common agricultural practice, it is not considered to be likely to cause a statutory nuisance or present a robust reason for refusal. Policy DM22 'Agricultural development' considers various aspects for agricultural structures including whether the proposal is sensitively located to limit any adverse effects. This includes noise. Policy DM7 deals with pollution and permits development where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity. It is considered that the proposed is acceptable and can be suitably controlled via the Environment Agency environmental permit.

## **5. Drainage and water impacts (Nearby Flood Plain)**

The associated policies which are to be considered in relation to potential impacts of drainage include Core Strategy Policy COR2 which seeks to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, preserve Mid Devon's landscape character, and promote the efficient use and conservation of natural resources of land, water and energy. COR11 Flooding seeks to address flood risk, taking account of the likely impact of flooding, guiding development to locations of lowest flood risk and ensuring development does not increase the risk of flooding elsewhere

Rain water from the buildings and non-silage clamp areas will be collected and channelled into a soakaway. Rain water from the clamps will be channelled into a drainage system and then into a buffer tank which feeds the anaerobic digester. Sewerage from the WC facilities in the staff building is intended to be taken to the mains drainage for Lords Meadow industrial park.

The site is in a Groundwater Nitrate Vulnerable Zone and as such the surrounding land would benefit from the use of fertilisers which have a more uniform nutrient content so that spreading rates can be better controlled on the land. While the land surrounding the site is identified as having soils with a high leaching potential, the plant is closely controlled by electronic monitoring systems to ensure there is no contamination to the surrounding area.

The proposed new access road from the Lords meadow site will pass through the edge of the flood zone for the River Creedy. However the Environment Agency has considered this aspect of the proposal and is of the view that the effect will be negligible and is acceptable to the Agency

and no further information is required.

Devon County Council Lead Flood Authority were also consulted on the proposed scheme, and they raised some initial concerns with regard to rainwater harvesting info, how rain water is dealt with in the clamps, how foul network connected to digester, who maintains the System, and initially objected to the proposal. Further detail has been provided to the Authority and their objection has been withdrawn (response 7/2/19), subject to specific conditions, these conditions have been included within the report.

## **6. Impact on Heritage assets**

The associated policies which are to be considered in relation to potential impacts on the heritage assets are the Core Strategy COR2 which seeks to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, preserve Mid Devon's landscape character, and promote the efficient use and conservation of natural resources of land, water and energy. The Local Plan Policy DM2 requires development to demonstrate a clear understanding of the site and surrounding area and to take into account impacts on local character and landscapes, biodiversity and heritage assets, impacts on neighbouring uses and appropriate drainage solutions. Policy DM27 seeks to protect heritage assets and their settings, including Conservation Areas recognising that they are an irreplaceable resource.

The National Planning Policy Framework paragraphs 184 to 202 are to be considered.

The starting point for the consideration of applications which affect a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66). The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is not irrefutable. It can be outweighed by material considerations influential enough to do so.

Historic England have responded by letter 19th December 2019 and advise in context of the grade II\* Downes Estate. They consider the potential environmental impact of an AD plant goes well beyond the historic environment, and, ultimately, heritage impact will only be one of many considerations for MDCC to consider in a proposal of this nature. They indicate they have been to the site and are aware that this scheme will be visible from a range of heritage assets, of which the setting of some - such as the designed landscape at Shobrooke Park - will be a more sensitive visual receptor than others.

### **Downes and Downes Home Farm**

Downes is Grade II\* listed dwelling set in extensive grounds and is now accessed off the main A377 to the south. An older lane – Downeshead Lane - from the centre of Crediton still exists, mainly as a farm track, and passes through Downes Home Farm and then to the south of Downes in between it and the main road. To the north-west of the house is a large walled garden and, to the west, the Home Farm.

Downes Home Farm The farmstead is approximately 450m from the application site; it is built on

the south-eastern slope of the watershed between the two rivers and as the ground continues to rise up to Downes Head to the north-west of the farmstead, and the proposed development site is set low down on the opposing northern slope, there are no reciprocal views between the two. Additionally, more recent and larger farm buildings lie on the northern side of the farmstead and hide the older farm buildings in views from the north.

Clearly the appearance of that area has been considerably affected by both intensive farming methods and the development of the Common Marsh Lane Industrial Estate. The majority of hedgerows and boundary tree planting visible in late nineteenth century OS maps have been lost, however, vestiges of the designed landscape are still detectable in views from the north across the application site. The most visible of these is the copse of trees between Common Marsh Lane and Downes Head.

As set out above the proposal will reinstate some of the pattern of trees and historic hedgerows shown around the application site in 1889 as closely as is practicably possible. Even where the hedgerows no longer survive the impression of them could be recreated with a few trees following the linear pattern shown on old maps. Where there is an opportunity to re-establish the actual hedgerow (and not just the trees within them) this too could assist in knitting the new development into its wider landscape.

The application is accompanied by a landscape mitigation plan that generally follows the approach that has been advocated by Historic England in their pre-application advice. It also includes a narrow linear block of tree planting to the north-east of the application site. Whilst this may not be an exact replication of the form of planting shown in the early OS map, it will contribute towards recreating the form of the landscape that was historically associated with the Downes Estate in this area.

Although total screening of the AD plant is unlikely to be achieved by these means on a year-round basis, these measures should assist in mitigating any associated harm caused by the development on the setting of the estate.

**Conservation Officers comments are set out below, and pertain mainly to impacts on the properties set out below as Historic England have commented on the Downes Home Farm and Downes Head**

**Shobrooke Park/ Westacott and Westacott Cottages**

Westacott and Westacott Cottages are constituent parts of a large mid-late 17th century house on the east side of the lane running down from the South Lodge of Shobrooke Park and on the opposite side of the River Creedy to the study area.

**South Lodge and Gateway to Shobrooke House**

The South Lodge and adjacent Gateway to Shobrooke Park are separately listed Grade II. Both date to around 1850. The Lodge is to the left of the gateway both elements of the enlargement of Shobrooke Park, and their historical significance is derived from this rather than from their architectural qualities; the park is also the most significant element of their setting – diluted somewhat by the loss of the mansion that the buildings once served.

The site consists of an agricultural field that is accessed and adjoining East of Lords Meadow Industrial Estate. The ground rises to the south side of the River Creedy valley, just as the hill rises from the river flood plain. At this time the land form is open with historic hedge lines predominantly lost there are three mature oak trees that fall on the line of a remnant field hedge, evident on

historic OS maps. To the northern edge a field ditch and fence marks the transition to the flood plain.

The AD plant consist of a pair of tanks 8 m high to the eaves with a dome roof to ridge of 14 m with associated smaller plant.

The applicant suggests it is an urban edge quality however it is at the end of historic but visually intrusive industrial estate which projects into a pastoral outlook with the attractive River Creedy valley and the ornamental trees of Shobrooke Park evident to the north that includes important public access and footpaths. The area is valued locally for its rural nature and tranquillity.

The historic environment around the site is limited but includes Downes Farm grade II \* to the other side of the hill to the south and to the north Shobrooke Park Lodges (625 m from the site to the north east) grade II and Registered Park and Garden. A further grade II listed Cottage Westcott is located on a lane to the east of the site 550 m away.

It is considered that the most sensitive heritage asset is the Shobrooke Park particular around the Devonshire Heartland Way a Public right of Way and the park Lodge Buildings this correlates with the applicants viewpoint 1.

Viewpoint 1 – Devonshire Heartland Way through Shobrooke Park

The footpath has a double row of trees as an avenue feature to each side. In places some of these trees are missing affording better views towards the site, as is the case with this view. The location of the AD plant is to the centre of the view, left of the industrial estate. Due to its location within Shobrook Park the sensitivity of this receptor is considered to be high.

The effects will be direct, long term and permanent. Initially they could be perceived as negative but would reduce as mitigation planting developed.

To a lesser extent the grade II listed Westcott Cottages has a setting outlook and viewpoint harm the development it is picked up in viewpoint 8

Viewpoint 8 – Footpath east of Westacott Cottages

This view is from a public footpath which closely follows the line of a hedge and is approximately 1km east of the site. The effects will be direct, long term and permanent, but to a relatively modest area of the view. Initially they could be perceived as negative but would reduce to neutral as mitigation planting developed.

In assessing the impacts on historic features, the Authority must consider along with policy, three potential impacts

- One of substantial harm, which is where the harm to the historic feature will be irrevocable, such as demolition of a listed building or the total loss of the heritage aspect.
- Less than substantial harm covers all other impacts to the historic environment, between the substantial harm and Neutral and
- Neutral and no impact.

In this case the Authority is of the view that there will be less than substantial harm, and considers that the harm generated by the scheme is out-weighted by the public benefit in this instance, and that the extent of harm to the historic environment, following the added planting to reinstate the former hedge boundaries will be moderate to low in the first instance during construction and the first few years of operation. The proposal will be seen as part of the existing industrial estate and will be viewed within this context. The planting will further soften the appearance and provide a

negligible adverse impact on the historic environment.

### Summary

In summary there is a less than substantial harm to the setting of the historic landscape of Shobrooke Park including the listed Lodge House with its orientation out toward the site across the Creedy Valley to the south? This harm will be most apparent during the construction and first 10 – 15 years while the landscaping scheme settles in.

However in line with NPPF paragraph 196 where less than substantial harm to the significance of a designated asset is identified, harm should be weighed against the public benefits of the proposal – these benefits include the generation of green energy and pasteurised agricultural slurry. It is considered that the proposed unit will be seen in the context of the existing Lords meadow and as such is a natural extension to this area, there will be minimal change to the overall visual impact and given a number of years the planting will re-establish some of the original natural features of the area. The pasteurised slurry/digestate which will be spread on the adjoining land will have a lower odour to that of fresh farm manure this will enhance the experience of the public visiting Shobrooke Park.

The Local Planning Authority would also concur with Historic England that following the adoption of their historic landscape improvements to the currently prevailing rather sparse agricultural field landscape around the immediate site that the harm will be substantially diminished once the landscape has established over 10 years and allow the AD units to knit into this landscape.

## 7. Other impacts

Prior to the previous committee presentation concern was raised that this AD Plant is for waste and it should be dealt with by Devon County Council (DCC) in their capacity as the waste planning Authority. Following discussions with DCC and Environmental Health it is considered that this proposal is not an AD Plant with the primary function of dealing with waste and as the primary function is clearly the production of gas it falls to be considered by MDDC planning. Therefore it should be brought to MDDC Planning Committee for discussion and consideration in their capacity as the appropriate Authority to consider the proposal.

While the application states that the AD plant is designed to accommodate a variety of solid and liquid feedstock types to give the plant a greater degree of flexibility in the future, the application seeks permission for those materials specified in the application only. Should the applicant wish to use different feedstock types in the future, an application to vary the planning permission will be required?

The site does not lie within any designated wildlife site. The Ecological Appraisal (Undertaken October 2018) revealed no significant evidence of protected species or flora which need special consideration as a result of the proposed development. Policy DM2 is therefore suitably complied with. In addition Natural England has raised no objection to the proposal and the NPPF paragraph 174 and 175 are considered not to cause undue harm to the biodiversity of the site.

The proposed development lies in an area of low potential archaeological, prehistoric activity in the immediate vicinity. However as a cautionary approach it is recommended that accordingly a Written Scheme of Investigation is to be undertaken as requested by Devon Historic Environment Team; a planning condition is recommended and will be included.

The AD plant itself will be sited on Grade II agricultural land, consideration needs to be given to this loss. However, the application site is relatively compact and covers just over a hectare of land which has a minimal impact on ground available for other agricultural uses. The applicant states that the land used for growing the silage elements of the feedstock is already used for growing the same or similar crops and as such their use as feedstock for the AD plant would have no discernible impact on the agricultural landscape. The Inspector for the recent Edgeworthy Farm appeal which was allowed concluded that as such the AD process *“would clearly be part of a productive agricultural activity. Land would thus not be taken out of productive agricultural use and nor would it become unavailable for agriculture.”*

Objectors have raised concerns with regard to a possible risk of explosion; this is unlikely to be something which would occur as there are systems in place to ensure that such an incidence is unlikely. If pressure builds in the system the gas is then vented to the enclosed flare and burnt off.

It has been commented that the proposed is on the industrial estate and not on the farm. This is not the case. The site is wholly on agricultural land with access off and through the industrial estate. The process can to some extent be considered to be an industrial process and so being in such close proximity to the existing adjacent industrial site is seen as a benefit and keeping the quasi industrial process conjoined with the industrial processes on the adjacent site is seen as beneficial and homogenous with these uses.

A number of objectors have raised an issue with regard to the AD plant being within 1000m of residential units as a government restriction. There is no specific restriction set by the government for this type of AD plant.

The application provides sufficient information to be able to consider the proposed impacts and use of the site; suitable plans including a red line site plan have been provided.

## **8. Benefits**

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and those applicants should not need to demonstrate the overall need for renewable energy. It also requires local planning authorities to approve applications where the impacts are (or can be made) acceptable. The proposed development would contribute to national targets for sourcing 20% of the UK's energy from renewable sources by 2020 and this report has demonstrated that the proposed development accords with the NPPF Paragraphs 149 to 154 and the Local Plan policies DM5 Renewable and low carbon energy and the impacts are considered to be acceptable.

The AD process is an efficient way of capturing nutrients in organic wastes, including animal manures. The AD process retains these nutrients and converts them into available forms enabling a farm to plan its nutrient management and reduce its use of fossil fuel dependant mineral fertilisers. The recycling of these wastes also reflects the priorities of the waste hierarchy and Policy WPC1 of the Devon Waste Local Plan.

Significantly, the AD produces renewable energy in the form of biogas. Biogas can be used in a conventional boiler, as the fuel for a combined heat & power (CHP) unit or as in this case injected into the mains gas for the area.

## 9. Planning balance

The application submitted for this scheme is not for an AD plant, where the structures are set close to an existing industrial park, mitigating its impacts on the wider environment, including nearby historic park of Shobrook.

Concerns have been raised with regard to many and wide ranging issues with the main points being noise, odour, congestion and suitability of the roads, visual impact, flooding, loss of grade II agricultural land, and wildlife impacts. All these issues have been addressed in the report, and it is confirmed that the appropriate monitoring bodies have assessed their specific areas and concluded that there are sufficient mitigations where needed and that the proposed meets with both Local and National Policy. Additional Information has been sought where and when required during the process of the application.

The design of the plant will have no significant negative impacts on the surrounding area with regard to odour, noise transport and visual intrusion as it will be seen in context with the existing industrial park.

It is therefore recommended that the proposed scheme is appropriate. The proposed will not have a detrimental impact on the historic park or the immediate amenity of occupiers and users of the area. The highway network will be able to support the proposed. The Development is considered to be compliant with the Core Strategy, Local Plan Part3 and the National Planning Policy Framework.

Therefore it is considered that the application be approved subject to the following conditions

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans, approved reports and statements listed in the schedule on the decision notice.
3. Prior to their use on site, a materials schedule that provides details of the colour and finish of the materials to be used in the different elements of the development (including the digester dome) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be so retained.
4. Prior to the commencement of development a Construction and Operational Environment and Traffic Management Plan shall first have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:
  1. hours of working;
  2. hours of deliveries; including details of any importation of digestate associated with commencement of operations.
  3. dust suppression management measures;
  4. traffic management
  5. vehicle routing to and from the site;
  6. programme of works
  7. parking for vehicles of site personnel, operatives and visitors;
  8. storage of plant and materials;
  9. loading, unloading and movement of plant and materials within the site.

10. Facilities for cleaning wheels on exiting vehicles

5. 'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref Lords Meadow Biogas; REV G; dated 26<sup>th</sup> October 2018). The development shall be carried out in accordance with the approved surface water drainage management system and shall thereafter be retained and maintained.
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.
8. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted Mitigation plan (SPP 06 Rev A), shall be carried out within 9 months of the substantial completion of the development or operation of the site, whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained
9. There shall be no storage of any feedstock other than silage within the application site except within the sealed digestate storage tank(s) approved as part of this planning application. All silage stored on site shall be covered at all times when not being loaded into the facility.
10. The feedstock for the anaerobic digester shall not vary from the figures specified below subject to a tolerance of +/- 5%.

Maize Silage	6,000 tonnes
Grass Silage	5,000 tonnes
Whole Crop Rye	2,000 tonnes
Pig Slurry	2,000 tonnes
Chicken Litter	3,000 tonnes
Whey	3,000 tonnes
Farm Yard Manure	3,500 tonnes
Waste Grain	1,000 tonnes
Waste Straw	1,500 tonnes
Veg Waste	3,000 tonnes
Brewery Waste	500 tonnes
Horse Manure	1,500 tonnes

Apple Pulp

500 tonnes

A log book (Ofgen figures) shall be maintained and completed detailing quantity, where and when all of the feedstock(s) for the AD plant have come from (Name of Farm/plot/supplier along with date and time of delivery) No other sites are to be utilised as set out in the (e-mail correspondence dated 7<sup>th</sup> February 2019 between the Authority and the applicant) unless written confirmation has been received from the Local Planning Authority. Such log book shall be kept up to date at all times and supplied to the Local Planning Authority on a quarterly basis, upon commencement (commencement is considered to be the first production of gas introduced into the mains system for public use).

11. There shall be no external lighting within the application site, except for low-level safety lighting for the protection of personnel or for purposes of essential maintenance.
12. The Tree Planting scheme submitted and approved plan SPP06 Landscape Mitigation Plan REV A shall be undertaken and completed within one month of the operation/completion whichever is the sooner of the AD Plant or within the next planting season October-March following the operation/completion whichever is the sooner of the AD Plant.
13. All existing hedges onsite are to be retained, other than the two trees indicated to be removed on mitigation plan (SPP 06 Rev A).
14. The emergency flare stack shall not be operated for maintenance or testing purpose except between 0700 and 1700 hours on any day (not including Bank Holidays)
15. Heavy and light Goods vehicles along with plant under the control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site shall only use non-intrusive broadband (white noise) vehicle noise alarms and/or reversing cameras. On such vehicles, there shall be no use of single or multi-pitch reversing beepers.
16. Noise emissions from the Lords Meadows Biogas Ltd site at any noise-sensitive location/s are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 7.00am – 11.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 39 dB (LAeq1hr).

Daytime (Evening) 7.00pm – 11.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax).

Night-time Noise Level 11.00pm – 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 35 dB (LAeq 15min). The Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax).

17. Written notification confirming the cessation of operations is to be given to the Local Planning Authority 3 month prior to the cessation of the use of the Anaerobic Digester plant hereby approved.
18. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings bunds and any wastes within a period of twelve months from the date of cessation. After removal of the above, the surface of the site shall be regraded and be covered with topsoil to a depth of 500mm within a period

of three months. The site shall then be planted in accordance with details to be agreed in writing by the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development
6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
9. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with Policy DM7 of Local Plan Part 3 (Development Management Policies)
10. The application has been considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with Policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
11. To protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
12. To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and

assist with reducing any potential noise in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

13. To protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
14. To minimise the potential for pollution and disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).
15. To minimise the potential for pollution and disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).
16. To minimise the potential for disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).
17. To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
18. To achieve a satisfactory landscape/restoration in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

It is not considered that the harm to the environment, the landscape, neighbouring residents and the Heritage assets is significant enough to warrant refusal of the application when balanced against the benefits. The Anaerobic Digestion plant will process farm waste/off site waste and crops into a product which will assist in improving land management techniques and will generate a source of renewable energy(Gas). The proposal has demonstrated that traffic movements on the local highway network will not be unacceptable. The impact on the heritage assets is considered to be limited and is considered to be outweighed by the benefits of the proposal. Any harm likely to arise from this proposal can be adequately mitigated by the imposition of conditions. It is considered that this proposal will not cause significant harm and that the benefits of granting planning permission outweigh any limited harm that may be caused. Accordingly the application is in accordance with Mid Devon Core Strategy (Local Plan 1) Policies COR1, COR2, COR5 and COR18, Local Plan Part 3 (Development Management Policies) DM1, DM2, DM5, DM6, DM7, DM8, DM22 and DM27, Devon Waste Local Plan policy WPC1 and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.