

PLANNING COMMITTEE AGENDA - 1st December 2021

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	18/01711/MFUL - Formation of an open clamp (4630m2) for the storage of silage and provision of new access at Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm), Rackenford, Devon. RECOMMENDATION Grant permission subject to conditions.
02.	21/00782/FULL - Siting of a temporary rural workers dwelling (mobile home) at South West Game Birds, Crediton, Devon. RECOMMENDATION Grant permission subject to conditions.

Plans List No. 1

Application No. 18/01711/MFUL

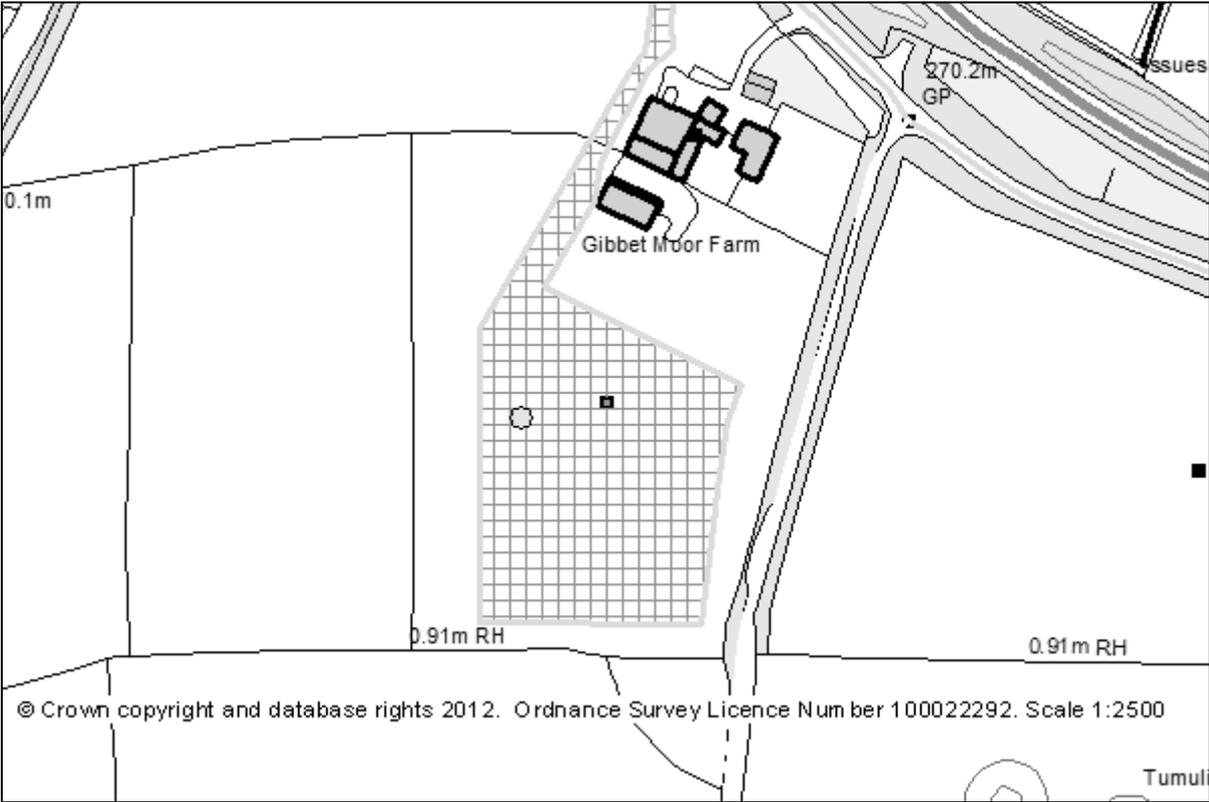
Grid Ref: 288069 : 117081

Applicant: Mr W Reed

Location: Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm)
Rackenford
Devon

Proposal: Formation of an open clamp (4630m²) for the storage of silage and provision of new access

Date Valid: 9th October 2018



APPLICATION NO: 18/01711/MFUL

MEMBER CALL-IN

This application has been called in by Cllr Ray Stanley and Cllr Andrew Moore in order for the Planning Committee to consider: whether the transport movements associated with the use of the proposed silage clamp will have an unacceptable impact on the amenity of the surrounding rural area, whether the size of the silage clamp is acceptable and whether the development would result in an unacceptable risk of pollution. Another key question would be was the proposal industrial or agricultural development and therefore would the local planning authority or the County be the relevant decision making body.

REASONS FOR DEFERRAL

The item first appeared before Planning Committee on 23rd October 2019. It was deferred to allow for further work to be undertaken on the application.

The item then appeared before Planning Committee on 3rd June 2020. It was deferred to enable officers to answer the following questions raised by the Committee so it could then proceed to determine the application:

1. Whether the use was industrial or agricultural to which NPPF was referred to under paragraphs 170 and 171 under Principle of Development and as such whether DCC should be dealing with the application?
2. Where does the Town and Country Planning Act 1990 define open clamps for the storage of silage as agricultural?
3. Are the size of the attenuation ponds sufficient for the run-off water for both the silage coverings and the concrete hardstanding and is the drainage considered adequate for this site?
4. Had the climate change issue been addressed with the amount of proposed vehicle movements?
5. Had the Ward Members concerns with regard to the pollution and transport impact on the local area been addressed?

PRELIMINARY MATTERS

In response the answers, the officers advise that:

1. Having carefully considered the legal advice obtained with reference to the facts of the current case, the existing use of the land and the proposed development is part of an agricultural use of land, including Gibbet Moor Farm which is one planning unit and which along with other units make up the agricultural business comprising several farms within a 12 – 15 miles radius of the application site. As such the LPA should determine the application.
2. The Town and Country Planning Act does not specifically define whether development relates to a particular use. Nevertheless, agriculture use is defined widely and is considered to include the proposed use, the storage of silage being part of, if not ancillary to the agricultural planning unit. In any event, the fact that there is an application before the committee, means that the use (storage of silage) as well as the operational development (the clamp) is for the Council to determine, imposing such conditions as are reasonable etc.

3. Yes, the application being recommended for approval bearing in mind the relevant Development Plan policies and all relevant material planning considerations (the weight to attached to such being a matter for the LPA) – please see further commentary in the report.
4. Ditto
5. Ditto

In terms of determining the application, it is important to note that since the application was last considered by the Committee:

- the NPPF has been further updated on July 2021. Accordingly, the quoted paragraphs and any others quoted in earlier iterations of the Committee report have been updated in this report.
- the new Local Plan, the Mid Devon Local Plan 2013-2033 has been formally adopted and the relevant policies have been updated for the purposes of this report.
- An updated Certificate of Ownership (Certificate B) has been submitted on 26th August 2021 and on 15th September 2021 following the matter that the applicant did not own all the land, and all parties reconsulted. An updated site notice has been erected on 27th September 2021 third parties have been re consulted. Any further comments received as a consequence were summarised in the ‘consultations’ section of this report.
- Officers have been provided with updated traffic figures relating to the proposed development. These show that the proposed clamp would be served by 11 different land parcels of varying distances from the application site, ranging from 0.6 miles to 13 miles. The applicant has confirmed that he either owns or rents all of the land identified within the traffic figures.
- Although the extent of the development has not changed, the application site has been extended to include the whole of GMF as that is considered to be the relevant planning unit which existing use is considered to be agriculture.

RECOMMENDATION

Grant subject to conditions

PROPOSED DEVELOPMENT

Formation of an open clamp (4630m²) for the storage of silage and provision of new access

RELEVANT PLANNING HISTORY

10/00026/DCC - DCCREF date 22nd July 2010

County Matter for construction of an anaerobic digestion facility with associated landscaping, ground and other works - DCC REFUSAL OF PLANNING PERMISSION - DATED 22ND JULY 2010.

18/00875/FULL - PERMIT date 6th August 2018

Retention of an agricultural access track

18/01711/MFUL - PCO date

Formation of an open clamp (4630m²) for the storage of silage and provision of new access

18/01527/PNAG - PDA date 25th October 2018

Prior Notification for the erection of an agricultural storage building

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-2033

Policy S1 -Sustainable development priorities

Policy S6 – Employment

Policy S9 – Environment

Policy S14 – Countryside

Policy DM1 - High quality design

Policy DM3 - Transport and air quality

Policy DM4 – Pollution

Policy DM5 – Parking

Policy DM20 - Agricultural development

Policy DM25 - Development affecting heritage assets

Policy DM26 - Green infrastructure in major development

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

PUBLIC HEALTH

2 November 2018

Contaminated Land	No objection to the proposal
Air Quality	No objection to this proposal
Environmental Permitting	No objection to this proposal
Drainage	No objection to the proposal
Noise & other nuisances	No objection to the 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.

Public Health further responded on 29th September 2021 to confirm they had no further comments.

OAKFORD PARISH COUNCIL

16th October: No comment

RACKENFORD & CREACOMBE PARISH COUNCIL

12 November 2018

The Council has concerns that no evidence is provided to support the claim that there will be no increase in traffic, with no information on what this amounts to at present or the directions in which silage will be moving to and from the site. There is also concern that the proposal is too large to be accommodated on this site and evidently much larger than is necessary to hold the silage taken off the farm itself.

2 August 2019

Rackenford & Creacombe Parish Council would like to re-iterate the comments previously submitted in relation to this planning application as follows:

The Council has concerns that the evidence provided does not allay its fear that there will be an increase in traffic as a result of this proposal. There is still concern that the proposal is too large to be accommodated on this site and evidently much larger than is necessary to hold the silage taken off the farm itself.

20 November 2019

Further to Mrs Clifford's letter dated 13.11.19 inviting comments regarding the above planning application, Rackenford & Creacombe Parish Council would like to make the following observation:

The applicant is submitting piecemeal applications in North & Mid Devon, the cumulative effect of which will result in increased traffic movements at Stonelands Cross. This gives the Council great cause for concern regarding the safety at this junction.

STOODLEIGH PARISH COUNCIL

27 November 2018

This application was considered at a meeting of Stoodleigh Parish Council held last evening.

The Parish Council wish to object to the application as it considered that the industrial scale of the proposed development is wholly inappropriate.

It also has concerns that in the absence of a Pollution Impact Assessment there is potential for the contamination of watercourses leading into the Iron Mill Stream and River Exe.

5 August 2019

We continue to object to this application (previous response 27th November 2018) because the scale of the development suggests industrial use, not agricultural, with the potential for associated consequences. Furthermore, we still have concerns over the environmental impact of the development and draw attention to our original objection which highlighted the potential for the contamination of watercourses leading to the Iron Mill Stream and the River Exe.

18 February 2020

We continue to object to this application (previous responses, 27 November 2018 and 5th August 2019) because the scale of development suggests industrial use, not agricultural. It has also been brought to the council's attention that this planning application is potentially linked to two other large proposals in Devon, again suggesting industrial rather than agricultural use.

At such a scale and size we are very concerned about the risks of contamination to the environment, in particular to water courses leading to Iron Mill Stream and the River Exe.

There are also serious concerns from both the council and the public about the considerable increase in traffic; in terms of volume and size, in particular the tractors and heavy lorries using narrow roads and the A 361; which is one of the busiest roads in Devon and has had a number of fatalities over the last decade.

This increase in heavy traffic would also add to the deterioration of the local roads and verges that already are suffering from current usage levels, including excess mud, damaged verges, potholes and other highways issues.

4 October 2021

Reinstate objection in terms of highway safety, risk of pollution into Iron Mill Stream and river Exe and importation of material from up to 15 miles away and diesel required to transport it outweigh any energy production.

TEMPLETON PARISH COUNCIL

15 November 2018

Templeton Parish Council, as a neighbouring authority, wish to comment as follows:

Will there be a maximum total height restriction for the silage heap, allowed to be above the 3 metre concrete panelled sides?

There is no room for articulated lorries to turn left to approach the site, off the A361 (Stoneland Junction) coming from Tiverton direction without crossing over into the opposite lane of traffic approaching the junction. Please refer back to the Conditions referenced previous Milk Transfer and Tiverton Energy Centre Planning Permissions.

The plan indicates there is a farm track situated on the very east side of the site boundary, this is in fact a Council maintained road servicing Templeton Bridge known as Shell Lane.

Certain conditions should be attached to require: No Night Lighting should be conditioned, normal working hours to be observed, the drive to be concreted and a concrete turning area for articulated lorries, there is concern regarding surface water run off.

5 August 2019

Templeton Parish Council wish to respond as follows:

1. The silage clamps are huge. Normal clamps are about 600 sq metres. The question is asked as to where the silage is going to come from to fill the clamps. There are no cattle at Gibbet Moor and it is therefore not understood why a silage clamp is required for the sole purpose of storing winter feed.

2. Vehicle movements. These are likely to be considerable added to which there will be a significant risk of 44 tonne HGV's turning right at Stonelands Cross onto the A361 North Devon Link Road where there is almost a constant stream of traffic in both directions, more so with holidays makers during the harvesting season.

We note that net tonnage figures indicate the filling of the proposed clamp, it does not give the gross weight being carried on the public roads, being also the additional 10 tonnes or so of tractor and trailer, which is the actual road impact that the residents experience.

We note that the totals of trips to the clamp do not include their return journeys.

Furthermore, in addition to an increase of traffic with large vehicles trying to exit and access the site, small country lanes, often single track rural lanes of unsuitable construction, lead to the site which will undoubtedly have a detrimental effect on the condition of the road, where it is known that DCC do not have funding for repairs, and the safety of other road users.

3. It seems strange that this Application states the clamps are required for agricultural use where there are no cattle on the site. This then begs the question as to whether an Application on a commercial basis should be submitted.

If the clamps are required for agricultural use, it must be incorporated into any consent given that an upgrade to commercial use is prohibited and part of the condition of planning approval.

4. Can it be confirmed that the clamp for silage is for animal feed, or is it a storage facility for the anaerobic digester?

If the storage is to be for AD feed, then there will be the requirement to return the resulting digestate back to the grass originating fields in order to be eligible for renewable/sustainable taxpayer subsidies, thus doubling the transport impacts.

5. There will potentially be considerable run-off resulting in environmental risks, given the number of tributaries to multiple rivers in the area.

6. Can it be confirmed where the all the silage will eventually go? If it has to be a source from within a 6 mile radius, is this Application feasible? There is bound to be a significant impact on the area in terms of noise and vehicle emissions.

7. Will this application if granted ensure this operator neither has the ability nor the need for creating any future field heaps specifically as he apparently no longer farms livestock and purely services Willand AD?

8. In view of MDDC responsibility for the local Environment and DCC Highways for road safety - combined with recent statements regarding 'Climate emergency' and future GHG reductions - have the full cumulative effects attributable to this application been assessed; in combination with present daily traffic journeys (approx. 15 miles) already made by this operator to service Willand AD; and the two 'Care in the community' project applications for 'vulnerable adults' presently being considered, all within the same locality and all requiring to walk, drive, cycle utilising the same overcrowded class C infrastructure. We are told by DCC highways workmen that Shell Lane, marked as a 'farm track' on the application, will likely no longer be maintained as 'it has growing in the middle'.

8 February 2020

Templeton Parish Council wish to recommend refusal on the grounds of traffic issues, with resulting pollution that will be created and industrialisation in the countryside.

This is not a conventional silage clamp (a) because of its sheer size and (b) because there are no cattle on the farm.

Templeton Parish Council query what it is going to be used for and if it is to be storage for the digester, then is not agricultural use but commercial energy use and in that case, the incorrect planning application has been made.

21 October 2021

Objection due to industrial use, more traffic and more pollution

TIVERTON TOWN COUNCIL

22nd October 2021: Not in our parish so unable to comment

WASHFIELD PARISH COUNCIL

28 November 2018

Washfield Parish Council has decided not to comment on this application as it does not affect the parish.

NORTH DEVON DISTRICT COUNCIL

27 November 2018

Thank you for your consultation received on 29 October 2018 and the opportunity to comment on the above application.

I note that your correspondence states that our comments should reach the Head of Planning and Regeneration no later than 13th November 2018 and that if no comments are received within this period it will be assumed that we have no observations to make. I have however looked at your website and note that the application has yet to be determined as it has not been demonstrated that the application is reasonably necessary for the purposes of agriculture. It would appear that whilst additional information has been submitted in support of the application the planning officer has commented that they are of the opinion that the storage of silage used to feed an anaerobic digester is not an agricultural activity and is an industrial form of development. The use of small quantities of this to feed cattle on the farm holding would be considered ancillary to the primary industrial activity.

Consequently the development cannot be considered under the current application, due to the entirely different policy considerations for an industrial development, along with the requirement of significantly more information to be submitted for considered in the determination of an application. The correspondence states that "*entirely changing the nature of the proposal during the current application process would also be prejudicial to the stakeholders involved in the process, including the statutory consultees and other interested parties*".

I note that planning officer has advised of the following additional information that would be required in conjunction with an application for an industrial development of this scale:

- o A waster audit statement
- o A full and detailed surface water drainage strategy
- o Ecological survey and report

o Pollution impact assessment and mitigation scheme

o Transport assessment

They have however stated that they are unwilling to receive this additional information for consideration under the current application.

In light of the above, until such matters are addressed North Devon District Council have no comments at this stage.

19 August 2020

I cannot find any record of NDC advising that a silage store/clamp would be industrial. I have asked the planning officers if anyone has given this advice but I have not had any response that they have.

27 May 2021

Thank you for your consultation received on 20 May 2021 and the opportunity to comment on the above application. You have stated that any observations are required no later than 27 May 2021.

You have commented that further information has been submitted in support of the application as follows:

- Waste audit statement received 26 April 2019
- Full and detailed surface water drainage strategy received 09 September 2020
- Ecological survey and report dated March 2019
- Pollution impact assessment and mitigation scheme
- Transport assessment - submitted 29 July 2019 and I note transport figures were submitted 5 November 2020

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. I note that Mid Devon Local Plan was adopted 29 July 2020. The National Planning Policy Framework (NPPF) is a material consideration.

North Devon District Council previously commented on 26 November 2018 under reference C115470. It would appear that whilst additional information has been submitted Lynton House, Commercial Road, Barnstaple EX31 1DG | www.northdevon.gov.uk in support of the application the Mid Devon planning officer at that time commented that they were of the opinion that the storage of silage used to feed an anaerobic digester was not an agricultural activity and was an industrial form of development.

I note that the application was taken to planning committee in June 2020 where members deferred the application pending further information on a number of issues including drainage and updated transport figures.

The minutes of the planning committee detail that the Area Team Leader clarified that the development had been reassessed and the storage of silage on agricultural land was now considered to be agricultural development and not an industrial development.

I acknowledge that the Highway Officer at Devon County Council has commented that the proposed use would not be significantly greater than the extant use so as to have a severe impact on highway safety and raises no objections to the proposal. On the grant of approval they have recommendation two conditions which would need to be imposed to make the development acceptable.

I note that DCC Flood Risk have recommended a pre-commencement condition be imposed on the grant of approval. This would allow further details of the size of Hydro-Brake to be submitted as well as technical specification plans/sheets. I note that maintenance details for the basins have not yet been provided.

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Works should be carried out in accordance with recommendations and mitigation measures as detailed in the Ecological Appraisal by Richard Green Ecology. The proposals should be assessed using the Defra metric 2 to quantify the losses associated with these changes and to identify an appropriate landscaping plan which will provide an overall net gain for biodiversity.

Informative

In accordance with the agreed protocol, the District Council, as a consultee to Mid Devon District Council, has the following observations to note:

The proposals should be assessed using the Defra metric 2 to quantify the losses associated with these changes and to identify an appropriate landscaping plan which will provide an overall net gain for biodiversity. Mid Devon District Council may wish to secure further information in relation to size of the

Hydro-Brake as well as technical specification plans/sheets and maintenance details for the basins to negate the need for imposing the pre-commencement condition on the grant of approval.

FLOOD and COASTAL RISK MANAGEMENT TEAM

15 November 2018

Recommendation:

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 not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water

drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>. It is recommended that the applicant consults the Environment Agency on the pollution risk from the effluent associated with the silage pit.

23 April 2019

The yard area should drain to a separate system as hydrocarbons and metals (coming from rainfall washing off plant and machinery) could be present within this runoff. This surface water drainage system should be sized for the 1 in 100 year (+40% allowance for climate change) rainfall event for the area draining to it. This surface water should be managed via infiltration or discharge to the nearest ordinary watercourse (upon further review of the site, there appears to be a watercourse bounding the south of the site) and should be treated.

The silage clamp should be sized to the 1 in 100 year (+40% allowance for climate change) rainfall event. An overflow system may be needed if the tank is partially full, but it may be that the applicant can demonstrate where the system will overflow from. The area surrounding the overflow point should be designed/planted to ensure that erosion does not occur. A gently falling cut-off ditch (with appropriate planting) may be appropriate for overflows to allow some nutrients within the water to filter out. The overflow from this ditch should be appropriately designed

We wouldn't require any details to be submitted regarding the frequency of emptying the tanks as the frequency will be dependent on a few variables (such as, how much water is in the tank). We would require that an appropriate overflow from the tank is designed in the event that the tank is not empty.

5 June 2019

The Environment Agency guidelines state the minimum storage that should be provided for surface water. However, Devon County Council (Lead Local Flood Authority) requires further storage to be provided as this silage clamp will be large in size.

Devon County Council also require overflow from the system to be assessed. If the tank is overwhelmed by a rainfall event, or the tank has not been emptied before a rainfall event, then the tank will overflow. If the silage clamp is full then there is potential that this water will contain nutrients from the silage that need to be filtered out before the water makes its way to a watercourse.

The yard area requires drainage but I cannot see anything proposed to drain this yard area. The yard area could have a large number of vehicle (including tractor) movements and could pick up sediments from wheels or transporting silage. The surface water from the yard area should be treated to remove sediments and any pollutants.

17 March 2020

No objection, subject to the following condition in respect of drainage of surface water from the hardstanding:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system relating to the concrete yard and access track has been submitted to, and approved in writing by, the Local Planning 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 Proposed Silage Clamps, & Access Road with Storm Attenuation (drawing No. DRAWING 1; dated 16th January 2020) and the Surface water storage requirements for sites report (dated 8th November 2019). The details should confirm:

- The proposed construction of the surface water basins (referred to as Attenuation Ditches), including any planting
- The proposed flow control
- The route of the existing ditch (which is understood to be culverted beneath the road) to the eventual stream/spring/river.

No part of the development shall be brought into use until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

30 October 2020

Although the details provide more clarity of the proposals, I would still recommend the condition for the detailed design. The applicant has confirmed that the flows will be restricted by a Hydro-Brake, however, we do not know the size of this Hydro-Brake.

The applicant will need to submit the Technical Specification plans/sheets for the Hydro-Brake. These details are produced by Hydro International (manufacturer of the Hydro-Brake) and confirm the diameter of the Hydro-Brake as well as the head of water.

It would be useful to have some photographs of the ditch and the culvert (inlet and outlet) beneath the road (Stoney Lane Hill / Bulworthy Knap) to confirm the condition of these features. The applicant will need to submit maintenance details for the basins (referred to as attenuation ditches).

HIGHWAY AUTHORITY

5 August 2019

On the basis that Gibbet was being used already we would have no objections.

4 February 2020

The silage clamps would generate less traffic and a more seasonal generation than that of a milk distribution depot which could store and distribute milk from a number of farms before onward journeys so the average daily traffic movements will be more than that of the silage hence the junction requirement for the previous consents. I would agree with your legal advice as the silage can be transported to any destination.

10 November 2020

Although the County Highway Authority has already commented on this Application, I have been asked to re look and observe the Transport Figure details submitted.

I have visited the site which is accessed off a C Classified County Route which is restricted to 60 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2015 and 31/12/2019 is none.

The access condition is in poor condition and the proposal shows alteration to be carried out as Drawing Number 3.

The Traffic Figures submitted on 5th November show the trips from the field to the proposed open clamp and then delivery from the clamp to Willand via the A361. These low daily figures it is not considered that the impact will be severe or that there will be a safety concern with the proposal.

The tractor and trailer figure shows that these are low daily figures and therefore as this is traffic generated for agricultural uses these do not create a severe impact in terms of congestion which is the test under the Nation Planning Policy Framework. Therefore the

County Highway Authority would have no objection to this proposal.

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

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the submitted Drawing 3 prior to any construction.

REASON: To provide a satisfactory access to the site

2 In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

HISTORIC ENVIRONMENT TEAM

25th October 2018

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33417a

I refer to the above application and your recent consultation. Previous archaeological investigations - excavation and geophysical survey - undertaken in support of earlier applications for this area have demonstrated that there are no significant archaeological deposits or features within the proposed application area and that the site is largely archaeologically sterile, with the exception of several shallow post-medieval features.

The Historic Environment Team has no comments to make on this planning application.

4th October 2021

No comments to make on this planning application.

NATURAL ENGLAND

8 August 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>

ENVIRONMENT AGENCY

30 October 2018

Thank you for consulting us on this planning application. Technically, silage storage is outside of the scope of the matters that we request being consulted on as per the advice for local Planning Authorities guidance, however, we provide advice to the applicant below regarding SSAFO regulations.

Advice - SSAFO Regulations

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. These regulations aim to prevent pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new facilities for storing these substances. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure and the proposed design and construction. Please send us a completed WQE3 notification form before you start using the facility.

Further information can be accessed on our website at: <https://www.gov.uk/storing-silage-slurry-and-agricultural-fuel-oil>.

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf

Please contact us again if you require any further advice.

MDDC CLIMATE CHANGE OFFICER 16 October 2021

Verbal response with regard to potential environmental impact, the embedded climate impact of construction especially use of concrete, potential loss of soil carbon due to works, potential greenhouse gas production from silage and would the clamp improve matter compare to current silage management. Traffic generation and climate impact compared to current arrangements. How will pollution control with regard to effluent be monitored and enforced. What are the issues with functional integrity should faults occur.

REPRESENTATIONS

18 letters of objection from 8 individuals. A summary of issues raised is set out below:

- Risk of contamination through effluent from silage
- Access means removing a Devon bank which has been recently re-instated. The access is also very wide
- Silage would have to be imported from applicant's other land. Narrow country lanes access to site
- Increase in heavy lorries will make Stonelands Cross a much more dangerous crossing
- The proposed silage clamps indicate an industrial unit rather than an agricultural one
- Allowing such an application would have a detrimental impact on value of surrounding properties
- The increase in traffic will harm highway safety
- Concern that the granting could lead to further expansion of site
- At peak silage making periods there are going to be between 20 and 30 trips per day on narrow country lanes
- Where is the grass from Gibbett Moor farm going; the 21.5 ha holding would produce 1,000 tonnes. The transport assessment accounts for all of the 20,000 tonne clamp capacity
- Unclear how the digestate would be dealt with
- The proposal is unsustainable due to the large amount of diesel required to transport the silage from the various locations as indicated on the updated transport assessment to the site

A later submission on 16th October 2021 from a third party made no comment.

SITE DESCRIPTION AND PROPOSAL

The site is relatively level with a slight fall from north to south. The field is bounded by a mature hedge to the west and a line of trees to the south beyond a drainage ditch. To the north is the site of the agricultural storage building granted under prior notification (ref: 18/01527/PNAG) but not yet constructed. Beyond is the historic farmstead of Gibbet Moor Farm comprising the old farmhouse and a range of traditional and mid-20C buildings.

To the north-west of the site there are fields which have recently been used for the storage of silage of varying quantities.

The proposed development comprises a large silage clamp constructed on a concrete base with concrete panel walls on three sides. A further concrete yard area would be formed between the clamp and the proposed storage building. A new access road would be formed from the hardstanding to the public highway approximately 95m to the north. Two underground effluent storage tanks are proposed at the north-west corner of the clamp.

The clamp would measure 86m/60m long and 63m wide, a total 4630 sqm in area. The walls would be 3m high with a 1.25m safety rail on top. The hardstanding would be 2075 sqm in area.

Gibbet Moor Farm extends to 21.5 hectares (53 acres) of land predominantly laid to grass, which is grazed or cut for silage for livestock or as feedstock for the Willand biogas plant.

MAIN CONSIDERATIONS

The main considerations in this application are

- the lawful use of the site and nature of the proposed development
- The principle of development
- landscape and visual impact,
- highways impact,
- surface water drainage and pollution control
- other

THE APPLICATION SITE

Members raised concern about whether the development was for agriculture and as such comment is made further on the existing use and proposed development.

The applicant owns the AD Plant biogas digester, Gibbet Moor Farm and other farms owned or tenanted by the applicant. The field heaps on the application site are composed of grass crops harvested on other farms operated by the applicant. The proposed use is intend to replace the existing field heaps.

The current use of Gibbet Moor Farm (GMF) is for growing of grass crop and grazing of cattle, is agricultural with the creation and storage of silage being part or at least ancillary to that use. The silage is taken from the GMF field heaps to other farms for reloading, principally (i.e. not only) due to the lack of hardstanding at GMF and the inability of lorries to access the site. Vehicle movements will be reduced or traffic neutral (if the clamp is simply used as an alternative to the field heaps).

The move to clamp storage is a requirement of the Environment Agency (EA) and the applicant cannot continue to use other parts of his land for field heaps.

The County has approved the road importation of up to 120,000 tonnes of feedstock to the said plant. Open silage heaps are already in existence on the site. The amount stored on site had increased in recent years from 15000 to 20000 tonnes. Consideration has therefore been given to whether the current use of the application site is agriculture (whether as part of a larger agricultural planning unit or in itself) given it appears to form part of the wider business comprising other farms as opposed to simply an agricultural planning unit. Agriculture use of land (as opposed to the construction of the clamp for example) does not amount to development and therefore is outside the control of the LPA. The definition includes horticulture (e.g. production of silage), keeping of livestock and use of the land for grazing and uses ancillary to that (e.g. storage of silage) would fall

within the confines of agriculture. Providing the use is part of agriculture, which does not amount to development under planning law, any intensification of the agricultural use will not amount to a material change of use.

Having carefully considered the matter, as noted above, Officers consider that GMF is a single planning unit for agriculture. The use of the proposed clamp (which construction does in any event require planning permission and hence the need for the application) is considered to be part of the GMF planning unit and also is a key part of the wider agricultural business made up of the other farms.

As indicated in any event, the application before the committee covers the proposed clamp and limits its proposed use to the storage of silage which is considered to be part of the wider agricultural business.

In summary, this is an application for agriculture related development which the LPA needs to determine.

PRINCIPLE OF DEVELOPMENT

Policy S1 of the Local Plan outlines the strategic priorities to achieve the Plan vision. It states that all development within Mid Devon will be expected to support the creation of sustainable communities by conforming to a list of criteria. Amongst those (d) Supporting a prosperous rural economy through the conversion of suitable existing buildings and well-designed new buildings in suitable locations, diversification of agricultural and other land-based businesses, (e) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality, and (j) Meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. Encourage the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land.

As the application site is located in the open countryside Policy S14 is relevant to any determination. This policy states that development outside of defined settlements will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy by permitting agricultural and equestrian development in accordance with detailed development management policies.

Paragraph 174 of the National Planning Policy Framework states that planning decisions should recognise the economic benefits of the best and most versatile agricultural land. Paragraph 175 states that where significant development of agricultural land is demonstrated to be necessary for development, areas of poorer quality land should be preferred to those of a higher quality. The classification scale grades are from 1-5, with 1 being the best quality. The site falls within Agricultural Land Classification grade 3 (Good-Moderate). The overall land classification grading in the parish of Stoodleigh and adjoining parishes is a mix of grade 3 (Good to Moderate) and grade 4 (Poor). The proposed development would not involve development on 'excellent' or 'very good' quality agricultural land. It is considered that the proposed development would not be in conflict with paragraphs 174 and 175 of the NPPF and to accord with the requirements of the Environment Agency.

On the basis that the proposed development would be an agricultural development the application should be correctly assessed under policy DM20, and in the first instance criterion (a) which permits development reasonably necessary to support farming activity on that farm or in the immediate agricultural community. Officers also consider that having regard for the location of

land parcels where the grass for the clamp would be obtained that the proposed development would serve to support farming activity in the immediate agricultural community.

Officers are mindful that the proposed development and its connection to the agricultural community as outlined in the supporting information represents a snapshot in time and that without restrictions being placed on any approval there is no guarantee that the proposed development would continue to be operated in the manner proposed. Having established the use would be agricultural and that it would operate as part of a single planning unit, it is therefore considered appropriate that conditions restricting the use to agricultural only and insist that only those land parcels identified in the transport figures and operated by applicant would be used to serve the proposed clamp, to be satisfied that the proposed development would continue to operate as a single planning unit in the future.

LANDSCAPE AND VISUAL IMPACT

Policy S9 supports development that will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through (e) The preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas. Policy DM20 (b) permits agricultural development which is well designed, respecting the character and appearance of the area.

The site is within Landscape Character Type 1F (Farmed lowland moorland and Culm grassland). This LCT is characterised by flat to gently rolling moorland plateau with regular field patterns and areas of unenclosed moorland heath. The site is enclosed on two sides by mature vegetation. A hedgerow runs the full extent of the eastern boundary of the field. The hedgerow has been allowed to grow over the years, contains a large proportion of Beech and appears to be in good health with few gaps. There are also a number of mature trees growing within the hedge. The southern boundary is enclosed by a line of trees growing on a small earth bank. To the north is the historic farmstead and the proposed new large agricultural storage building. Beyond the eastern boundary along the lane there is a line of mature trees growing. Despite the site being relatively elevated there are few public vantage points providing opportunities to view the proposed development. There are no public rights of way in the vicinity and no raised common land. Views towards the site from Stoneland Cross are dominated by the farm machinery training site and associated buildings at Highfield Farm (within North Devon District).

Silage clamps are a common feature in an agricultural landscape. While the size of the silage clamp proposed under this application and hardstanding would be undoubtedly large, officer visits and photographs demonstrate that the site is remarkably well contained despite its size. The concrete panels which would form the enclosures of the clamp would be utilitarian in appearance. They would not make a positive contribution to the character of the area and no mitigation has been suggested in terms of additional landscaping or ecological enhancement. Notwithstanding their appearance and length any impact appreciated by local traffic viewing the panels through existing established hedgerows would be localised to those using the lane immediately to the east of the site. Nevertheless it is considered proportionate to attach a landscaping condition to mitigated any potential impact of the development.

Updated information from the applicant informing that the material within the clamps may be at time mounded in the centre and therefore visible above the concrete panel would not significantly alter the appearance of the development in the landscape. The lane does not form part of any designated recreational route and on the basis of the officer visits is only sporadically used. The new access to the site is proposed at the location of the access approved under 07/01849/FULL and 10/01531/FULL for the milk distribution depot. This access was formed under the 2007 approval but has been subsequently closed up. Re-opening would involve removing a bank with

low lying vegetation on-top which has been formed on the boundary. The impact of re-establishing the access would be limited in terms of local character.

While no mitigation is explicitly proposed as part of proposal, officers consider that there are visual and ecological enhancement opportunities which would arise as a by-product of the construction of the proposed clamps. Notwithstanding the gentle contours of the site the sheer scale of the proposed development will inevitably result in the excavation of a significant amount of earth. There have been no details submitted as to how this might be dealt with and officers consider this presents an opportunity for a new hedgebank to be formed around concrete panels which would over time help to soften the appearance of the panels and a provide natural habitat for wildlife.

Having regard for the above, and subject to a condition requiring a new hedgebank to be formed around the clamp, it is considered that the proposed development would meet the criteria set out in DM20 (b) in respect of protecting local amenity and landscape.

HIGHWAYS IMPACT

Concern has been raised locally by residents, local Members and relevant Parish Councils regarding the implications of the proposed development on local traffic movements both in terms of the use of narrow country lanes by large vehicles to access the site and the suitability of the junction with the A361 for the types of vehicles anticipated to serve the proposed development. It has also been questioned why the proposed development does not include any specific highways improvements when the previous planning permissions for the milk distribution depot on the same site (refs: 07/01849/FULL and 10/01531/FULL) was required to provide improvements to the A361 junction.

Policy DM22 (d) states that development will be permitted where it will not have an unacceptable traffic impact on the local road network.

It was stated in the applicant's supporting statement submitted 26 April 2019 that there was 15,000 tonnes of material being stored on site in field clamps at Gibbett Moor Farm between April to October. The transport assessment submitted with the application on 29 July 2019 informed the local planning authority that the proposed permanent clamp would have a capacity of 20,000 tonnes. It was later confirmed by email on 6 August 2019 that the capacity of the existing field clamps is 20,000 tonnes and that therefore there would be no additional traffic movements associated with the proposed development.

Since the last committee meeting officers have been provided with updated traffic figures. These show that the proposed clamp would be served by 11 different land parcels of varying distances from the application site, ranging from 0.6 to 13 miles (10 to 21 kilometres). The grass from these land parcels would be transported to the site by tractor and trailer. HGV's would then transport the silage from the site to the anaerobic digester plant at Willand, a journey of approximately 17 miles (27 kilometres), via the A361 using the Stoneland Cross junction a half kilometre to the north-west of the site.

The Highways Authority has assessed this updated information and has raised no objection to the proposed development subject to conditions requiring the site access to be laid out prior to any construction and provision for surface water to be directed so that it does not drain onto the Highway.

On this basis of the Highways Authority has raised no objection to the application and the proposal is considered, on balance to be in accordance with policy DM20 (d).

SURFACE WATER DRAINAGE

Policy S9 requires development to provide measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk by applying a sequential test where appropriate, and avoiding an increase in flood risk elsewhere. Policy DM1 requires new development to demonstrate appropriate drainage including sustainable drainage systems where available. Policy DM4 states development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

The applicant has prepared a waste audit statement which outlines the method for storage of effluent and its disposal. The surface water drainage strategy for the proposed development is proposed to be split into two systems. Effluent emanating from the storage of silage within the clamp would be drained to two underground storage tanks to the north-eastern corner of the site. The Environment Agency sets minimum effluent tank capacity levels based on the cubic capacity of the clamp. For a clamp the size as proposed at Gibbet the minimum size of tank would be 113 cubic metres. The capacity of the proposed tank to serve the proposed development would be 226 cubic metres – double the minimum capacity.

Surface water from the hardstanding is proposed to be collected and transported to a network of three attenuation ditches each with a capacity of 60 cubic metres which would be located adjacent to the access track immediately to the west of the main group of farm buildings. The ditches would then drain to an existing culvert which crosses the land between the farm and the road. This form of drainage is in line with principles set out in the Devon County Council Sustainable Drainage Guidance and paragraphs 163 and 165 of the NPPF and is supported by the LLFA subject to details of the construction of attenuation ditches (including planting), the proposed flow control mechanisms and the precise route of the culvert where the ditches would drain, to be submitted prior to commencement of works any works on site.

Members will recall raising concern regarding the adequacy of the drainage proposals when this application was previously discussed and were reluctant to accept a condition requiring details to be submitted post decision. Further information was requested by officers in an attempt to have the details provided and assessed pre-decision, and while some information has been provided, Devon County Council's Lead Local Flood Authority (LLFA) maintains that the original condition as set out in the previous report will be required to confirm the detailed drainage design prior to any commencement of any development on site, and is satisfied with this arrangement. A condition is also proposed to ensure that along with the storage tank and drainage channels details and further details including photographic details are to be submitted, approved and implemented prior to the development being first brought into use.

POLLUTION CONTROL

Policy DM4 states that applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

The site is within a Drinking Water Safeguard Zone (Surface Water) catchment area and is approximately 100m east of the boundary of the Taw Estuary Nitrate Vulnerable Zone.

The applicant has prepared a waste audit statement which outlines the method for storage of effluent and its disposal. The rules around the storage of Silage, Slurry and Agricultural Fuel (SSAFO) are part of the The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England)/ (Wales) Regulations 2010. These regulations set standards for storing silage, slurries and agricultural fuel oil, so as to minimise the risk of water pollution. Under the regulations the farmer or land manager is responsible for meeting the rules. There are specific rules for making and storing silage. Where silage is stored in a permanent clamp it must have an impermeable base extending beyond any walls and have impermeable drainage collection channels around the outside flowing into an effluent tank. The tank must have adequate capacity to give at least two days storage. Details of the size of the tank are set out above. The farmer or land manager is obliged to notify the Environment Agency 14 days before construction of the clamp and is responsible for carrying out maintenance of the overall development to ensure there is no risk of pollution. According to the applicant's supporting statement the stored liquid would be taken by tanker onto the applicant's land disposal, in accordance with agricultural best practice.

A key factor to consider is the dry matter of the crop. Grass harvested at 18% dry matter (DM) will produce approximately 150 litres of effluent per tonne. Grass harvested at 25% DM will produce around 25 litres of effluent per tonne. An up to date Silage clamp therefore could lead to a significant reduction in effluent created per tonne. The proposed development will be subject to the above regulations, which are separate from planning legislation. However on the basis the proposed development would need to be compliant with the above there are no concerns regarding the impact of the proposal on the environment in terms of pollution.

HISTORIC ENVIRONMENT

Policy DM25 applies a presumption in favour of preserving or enhancing all designated heritage assets and their settings and requires development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them.

Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Gibbett Moor Farm appears on the Devon Historic Environment Record (HER) and is considered a non-designated heritage asset as an historic farmstead of local importance. The farmhouse is shown on the 1841 Tithe map as two cottages; on the 1888 map it had been amalgamated into a single farmhouse. In addition there are other archaeological features/artefacts showing on the HER within the field. The proposed development would be located between 60-80m to the south of the farmhouse. It would be beyond the large storage building granted under 18/01527/PNAG which will form a significant visual break. Having regard for the separation and the continued agricultural use of the site it is not considered that the proposed development would result in harm to the setting the Gibbett Moor Farm heritage asset. The application has been screened by Devon County Council's Historic Environment Team who state that the field is largely archaeologically sterile and have no further comments to make in respect of the proposal.

ECOLOGICAL IMPACT

Paragraph 174 (c) of the NPPF states that planning decisions should contribute to enhance the natural environment by) minimising impacts on and providing net gains for biodiversity, including

by establishing coherent ecological networks that are more resilient to current and future pressures. Policy S9 requires new development to support opportunities for protecting and enhancing species populations and linking habitats.

The site is within a field comprising arable land. It does not fall within any designated site for wildlife interest and there are no statutory designated sites within 500m of the site. The site has been appraised and an ecological report submitted. The report advises that habitat loss arising from the proposed development (clamps, hardstanding and associated access) would be no more than a minor ecological impact on a local scale. The formation of the planted hedgebank around the clamp formed using earth from the site (to be secured through condition) will provide a modest contribution to biodiversity, in accordance with the NPPF and policy S9

Natural England has no comments to make in respect of the proposal. However a Landscape and environment management plan (LEMP) condition is considered appropriate with regard to mitigating impacts and promoting biodiversity net gain (BNG) for the site.

SUSTAINABILITY

The Climate Change officer verbally raised questions with regard to the potential environmental impact. It is considered that whilst the use of concrete in the construction of the clamp would generate greenhouse gases, it would add to the security, effectiveness and longevity of the clamp. Construction works will be subject to a management plan condition requiring details of several aspects to seek to minimise the impact including climate impacts on the site during the construction phase.

As the clamp will replace the open field clamps, it is not considered that soil loss will be a material factor in its development. It is considered that the improved longevity of the clamps, the reduction in effluent produced and its satisfactory treatment in line with Environment Agency requirements and the continued use of the same locations from which to import the grass is considered to on balance be beneficial compared to the existing open field heaps in practice. As such the proposal is considered on environmental terms to have net positive impact environmentally and as such in accordance with Policy S1 of the adopted Local Plan.

IMPACT ON RESIDENTIAL AMENITIES

The nearest residential properties are between 240-280m from the site. Having regard for the type and scale of the proposed development Public Health do not consider that the proposals would give rise to a complaint of statutory nuisance. The proposed access would be onto the class 3 road to the north of the site. It is not considered that the proposed access and traffic movements likely to be associated with the proposed development would have an unacceptably adverse impact on the amenities of the occupiers of neighbouring properties. On this basis officers consider that the proposed development is in accordance with DM1 (e) and DM20 (b).

CONCLUSION/REASON FOR APPROVAL

The proposal is for a large silage clamp within a field south of the A361. Notwithstanding the public comments in respect of the scale and the potential use of the storage of silage product for anaerobic digestion officers consider the application to be agricultural and therefore appropriate in the countryside location. The use of grade 3 land for the purposes of agriculture is considered acceptable in-line with Government guidance.

The land does not fall within a recognised landscape or ecological designation; the site is contained by mature hedgerows and there are limited public views into or across the site. The

proposed development is not considered to cause demonstrable harm to the character and appearance of the rural landscape or result in harm to local ecological networks.

Drainage of the clamp is through attenuation with the effluent being deposited on the land in accordance with best practice. The Highways Authority has raised no objections on the basis that the proposal is not considered to have a severe impact or raise a safety concern with the proposal and the proposed development would not create a severe impact in terms of congestion.

The proposed development would be required to comply with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England)/ (Wales) Regulations 2010. These regulations set standards for storing silage, slurries and agricultural fuel oil, so as to minimise the risk of water pollution. The proper storage of silage would result in less effluent generated and this is managed by the requirements of planning.

Limiting condition in relation to use of the land and lands with regard to the depositing material on site the preclusion of other open field heaps of silage on the land and the requirement to dismantle and remove the silage clamp once no longer operational are all considered necessary to limit the potential impacts of the proposed development and are attached.

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.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

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 site access shall be constructed, and laid out, and maintained thereafter in accordance with the submitted revised site plan or Drawing '3' prior to any construction.
4. The site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.
5. Prior to their construction, details of the concrete panels and safety railings proposed around the silage clamp, shall first be submitted and approved in writing by the Local Planning Authority. Only the approved details shall be implemented for the development and retained thereafter.

6. Notwithstanding the details submitted to the Local Planning Authority, no part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system relating to the concrete yard and access track has been submitted to, and approved in writing by, the Local Planning 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 Proposed Silage Clamps, & Access Road with Storm Attenuation (drawing No. DRAWING 1; dated 16th January 2020) and the Surface water storage requirements for sites report (dated 8th November 2019). The details should confirm:
- The proposed construction of the surface water basins (referred to as Attenuation Ditches), including any planting
 - The proposed flow control
 - The route of the existing ditch (which is understood to be culverted beneath the road) to the eventual stream/spring/river.
 - Provisions made within the site for the disposal of surface water so that none drains on to any County Highway.

7. Additional details have been submitted for approval by the local planning authority of:
- Photographic details of the ditch and the culvert (inlet and outlet) beneath the road (Stoney Lane Hill / Bulworthy Knap) to confirm the condition of these features.
 - Maintenance details for the basins (referred to as attenuation ditches)
 - The surface water management scheme serving that part of the development

These approved details along with along with the already approved details of the drainage infrastructure shall be implemented prior to first use and maintained for the lifetime of the development.

8. The storage tanks and drainage channels as shown on the approved drawings shall be constructed and fully operational prior to the first use of the silage clamp hereby approved.
9. Prior to the operation of the development hereby approved, details of the external lighting and times of its use shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed, operated and retained in accordance with the approved details. No other external lighting shall be erected on site without the prior consent in writing by the Local Planning Authority.
10. Prior to commencement of any groundworks on site, details of the finished floor levels of the silage clamp shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority.
11. Material deposited at the site shall only be moved from the land parcels identified in the Transport Figures document received on 5 November 2020 and from no other sites, unless otherwise agreed in writing by the Local Planning Authority. A record shall be kept of all vehicle movements and loads relating to the site, which shall be made available to the Local Planning Authority for inspection at any time; this shall include details of the date and time of vehicle movements, the type of vehicles involved, the start and finish locations of the journey, the route taken and the weight of the vehicle and its contents.

12. The development hereby permitted shall be used for silage storage only.

13. No development shall take place until a Landscape and Ecological Management Plan is submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of the following:

- (a) Retained Ecological and Landscape Features
- (b) Proposed Habitats, Ecological and Landscape Features including length, height, width and specification of the new hedgebank around the perimeter of the silage clamp
- (c) Habitat and landscape Management Measures for the lifetime of the development
- (d) Monitoring and Review of Plan.

The development shall not be carried out other than in accordance with the approved details and planted up within the next planting season.

14. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, 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. The following specific details should also be included in respect to highway safety:

- (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) 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;
- (g) hours during which no construction traffic will be present at the site;
- (h) the means of enclosure of the site during construction works; and

(i) details of wheel washing facilities and road sweeping measures with the respective obligations

(j) The proposed route of all construction traffic exceeding 7.5 tonnes.

(k) Details of the amount and location of construction worker parking.

That the construction phase on site shall be carried out in complete accordance with the approved details.

15. That at the end of the operational use of the clamp hereby permitted that the clamp shall be dismantled and removed from the site and the site cleared of all related materials and debris within 3 months of the end of the said operational use.

16. That the existing field heaps be removed from the land within 3 months of the date first use of the development hereby approved.

17. That no additional field heaps are to be constructed on the land parcels identified in the Transport Figures document received on 5th November 2020 and from no other sites.

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 provide a satisfactory access to the site.
4. To prevent mud and other debris being carried onto the public highway.
5. In the interests of visual amenity, in accordance with policies DM1 and DM20 of the Mid Devon Local Plan.
6. To ensure that the development is appropriately drained and to prevent groundwater pollution, in accordance with policy DM1 of the Mid Devon Local Plan.
7. To ensure that the development is appropriately drained and to prevent groundwater pollution, in accordance with policies DM4 and S9 of the Mid Devon Local Plan.
8. In the interest of safeguarding the character and amenity of the rural area and preventing light pollution, in accordance with policy S9 of the Mid Devon Local Plan.
9. In the interest of safeguarding the character and amenity of the rural area and preventing light pollution, in accordance with policy S9 of the Mid Devon Local Plan.
10. For clarity and in the interests of visual amenity, in accordance with policies DM1 and DM20.

11. For clarity purposes, to deliver sustainable development and to ensure that the development is served by land located immediate agricultural community, in accordance with policy S9 and DM20 of the Mid Devon Local Plan.
12. For the purposes of clarity and in the interests of ensuring the development does not become severed from the primary agricultural use.
13. To mitigate the impact of the approved development and in the interests of improving biodiversity, in accordance with Policies DM1, DM2 and S9 of the Mid Devon Local Plan 2013 – 2033.
14. To minimise the impact upon the highway network and the neighbouring residential properties during the construction period.
15. In the interest of safeguarding the character and amenity of the rural area and preventing light pollution, in accordance with policy S9 of the Mid Devon Local Plan.
16. For clarity purposes, to deliver sustainable development and to ensure that the development is served by land located immediate agricultural community, in accordance with policy S9 and DM20 of the Mid Devon Local Plan.
17. For clarity purposes, to deliver sustainable development and to ensure that the development is served by land located immediate agricultural community, in accordance with policy S9 and DM20 of the Mid Devon Local Plan.

INFORMATIVES.

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.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has included further negotiations/discussions during the application process to address issues raised.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

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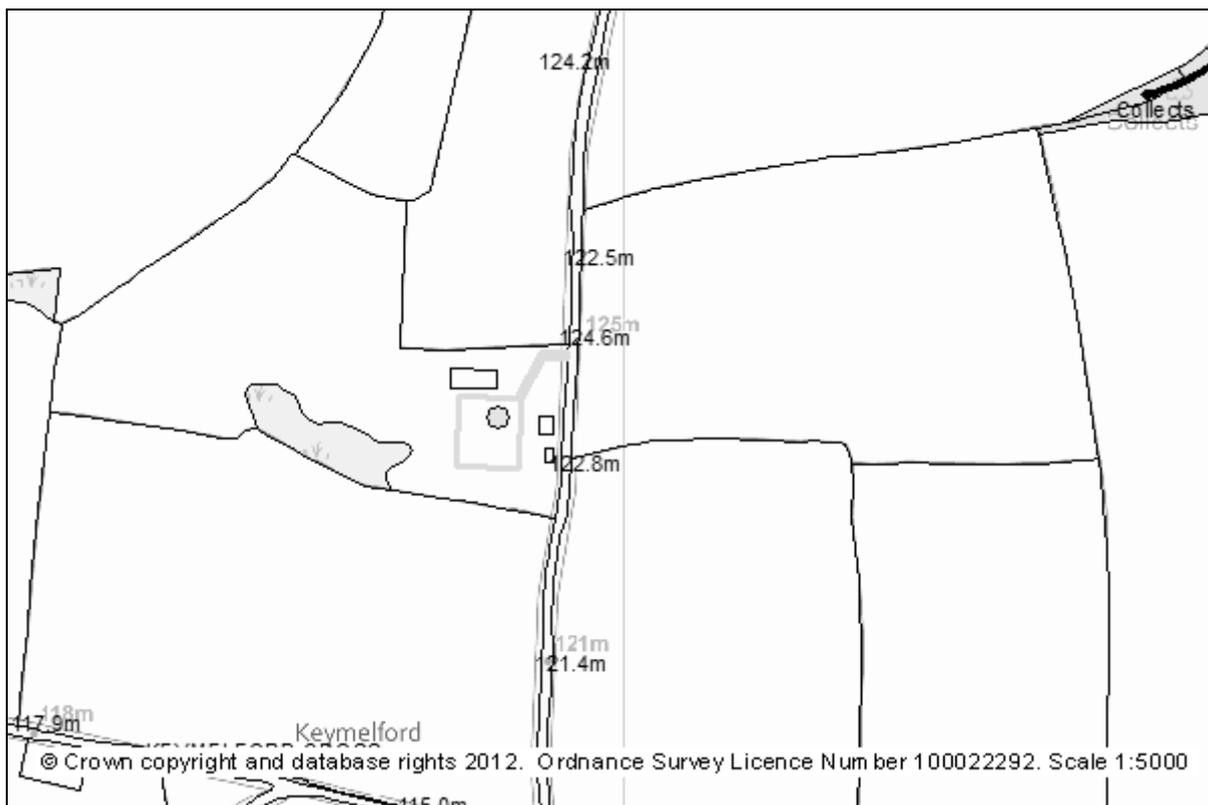
Grid Ref: 278802 : 99688

Applicant: Mr A Polhill

Location: South West Game Birds
CREDITON
Devon

Proposal: Siting of a temporary rural workers dwelling (mobile home)

Date Valid: 2nd June 2021



CONSULTATIONS

County Highway Authority standing advice provided

Contaminated Land: No concerns. (19.06.21).

Air Quality: No concerns. (19.06.21).

Environmental Permitting: No objection to this proposal. (08.06.21).

Drainage: Holding objection as compost toilets are not acceptable on a permanent basis and our professional opinion is that the employer has a responsibility to their worker to install a safe and hygienic toilet provision in their accommodation.

Holding objection removed with submission of details on 19th October (22.10.21)

Noise & other nuisances: No concerns. (19.06.21).

Housing Standards: No comment. (10.06.21).

Licensing: No comments. (08.06.21).

Food Hygiene: No comments. (08.06.21).

Health and safety: No comments (08.06.21)

REPRESENTATIONS

Crediton Hamlets objects most strongly to this application. The application states it is for the siting of a temporary rural workers dwelling (mobile home). It measures 16 metres x 6 metres. This is too large to be a mobile home and has already been erected.

Later submissions repeated the objection and their wish to have the application called in and the site visited.

Two short statements of support for the proposal were submitted on the grounds of supporting a growing business and employment opportunities that would arise.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- Would the proposed development be in accordance with local and national planning policy regarding residential development associated with agriculture in the open countryside, and whether there is still sufficient justification to permit the siting of a temporary rural worker's dwelling in the countryside
- Impact on landscape character, visual amenities of the area;
- Highway safety and access.
- Other planning matters

Site and Surroundings

The applicant seeks planning permission for a further temporary permission for a temporary workers home incidental to agriculture to a mixed use of incidental to agriculture and temporary residential for the management of a rurally based business on land at NGR 278802 099688 (South West Game Birds), Keymelford Cross, Colebrooke.

The farm is known as View Farm. The caravan is sited but not yet occupied, at the centre of the site. The previous mobile home in relation to the previous scheme is under reference MDDC 18/02074/FULL. Due to its repositioning outside of the original site plan, officers advised the applicant to resubmit a planning application.

An appraisal has been submitted with this planning application which outlines that this application is made having been previously approved for a period of three years but which, due to unforeseen avoidable circumstances has not been able to progress within the initial period as expected. This is due to a mixture of personal circumstances and the global pandemic which effectively halted the business ability to function throughout 2020 and 2021.

Principle of Development

Policy DM8 supports the erection of a worker's dwelling. Where a rural business is not yet established, the Council will consider granting a temporary mobile home, subject to appropriate evidence of essential need, a firm intention to develop the enterprise and sound financial planning.

A 'firm intention' and sound financial planning might be demonstrated by a combination of measures such as the construction of new buildings; the purchase of stock needed to operate a rural business; appropriate agricultural or rural business training and qualifications; and evidence of sufficient finances to establish the enterprise.

Policy DM8 continues:

"4.32 Where a rural business is not yet established, the Council will consider granting a temporary mobile home, subject to appropriate evidence of essential need, a firm intention to develop the enterprise and sound financial planning. A 'firm intention' and sound financial planning might be demonstrated by a combination of measures such as the construction of new buildings; the purchase of stock needed to operate a rural business, appropriate agricultural or rural business training and qualifications; work experience; and evidence of sufficient finances to establish the enterprise".

The Game Farmers Association and South West Games Birds Vets advised in their statement of support various reasons why a residual worker is essential:

- Monitoring of essential power supply for agricultural business especially due to inclement weather
- Security- theft and predators
- Electricity is required on a constant basis
- Year round requirement for business/business cycle
- Animal welfare-disease and wellbeing

Defra Code of Practice for Gamebirds supports the above with the need for well-maintained sheds, separation of activities, and oversight required its management.

The submitted business plan indicates a business that will be profitable year on year and would require a full time worker on site.

It is an important material consideration that temporary planning permission was granted for such a change of use under 18/02074/FULL and that the disruption of the business due to unforeseen circumstance, not least the COVID-19 pandemic is plausible.

In conclusion, offices are satisfied that the business plan is a viable one and the essential need for a live on site worker is demonstrated for the purposes of Policy DM8.

Impact on landscape character, visual amenities of the area

The proposal is for a mobile home which is within the limitations set out in the Caravan Act. The site itself is shielded from the road given the topography. The land itself is not a protected

landscape and the impact is considered to be not materially greater than that for the mobile home approved under 18/02074/FULL.

The visual impact will be further mitigated by the proposed planting on site and it is considered that the size of the proposal is acceptable and matters relating to its requirement to be removed and to provide ongoing business information for its viability if requested by the LPA will ensure that the dwelling remains proportionate to the essential needs of the business at any given time.

Highway safety and access.

The County Highway Authority has no objections as was the case with the previous scheme and there is an existing access track and turning area open site. Accordingly, no objections are raised by officers in this regard.

Other planning matters

The holding objection with regard to the proposed drainage details has been overcome with the proposed septic tank proposed by the applicant. A condition will require its full installation prior to occupation and its retention thereafter.

With regard to ecology, a Wildlife Trigger was completed and no issues arise. In addition, the proposed planting is anticipated to provide some ecological enhancement to the site.

Power and water supply will be provided on site with a view to maximising the site's off grid capabilities and minimise impacts on the site and surrounding area due to services provision.

Conclusion/Planning Balance

This proposal is for a temporary rural workers dwelling to allow the development of an agricultural enterprise. The proposal in many respects is materially the same, in all planning terms, as the one previously approved but the related business was interrupted.

It has been demonstrated that the need for a worker permanently on site is relevant in this instance and conditions are attached to require proof of ongoing viability and limitation to occupancy of the said mobile home should planning permission be granted.

In conclusion it is considered that the scheme accords with Policies S1,S9, DM1 and DM8 of the adopted Mid Devon Local Plan and accordingly, it is recommended that conditional planning permission be granted.

CONDITIONS

1. The development hereby permitted shall be carried out and retained in accordance with the approved plans listed in the schedule on the decision notice.
2. The use shall be permanently discontinued, the caravan removed and the land restored to its former state three years from the date of this permission hereby granted.
3. The dwelling hereby approved shall be occupied only by a person solely working in relation to the agriculture use at SW Game Birds a widow or widower and to any resident dependants.
4. The approved landscaping and planting proposals shall be implemented in full no later than during the first planting season following the date when the development is brought into use and thereafter retained.

5. That within 5 working days of a request in writing by the Local Planning Authority, a business statement for that current financial year shall be produced and made available for inspection by the Local Planning authority. Such a report would include separate statements for the different business(es) in situ at the application site and the current gross and not profit and/or losses and the year-end forecast of gross and net profit and/or losses. Where it can be demonstrated that the business is no longer viable. The use shall be permanently discontinued, the caravan worker's dwelling removed and the land restored to its former state within 3 months of the date of the said inspection
6. That prior to occupation of the mobile home, the approved drainage details and connections, as well as the details and connections of the plant room shall be implemented in full and retained thereafter.

REASON FOR CONDITIONS

1. For the avoidance of doubt in the interests of proper planning.
2. Given the essential need relates to a new agriculture venture on the holding a temporary planning in recommended in accordance with Policy DM8 of the Mid Devon Local Plan
3. In accordance with application details and because the site is located outside defined settlement limits in the open countryside, where national and local planning policy would normally restrict new residential development unless there are specific circumstances which in this case is that there is an essential need for a worker to live on the site to manage the proposed activities on the site, and to be in accordance with Policy S9, S14, DM8 of the Mid Devon Local Plan.
4. To ensure that the visual impact of the development is satisfactory, and in accordance with Policy DM1 of the Mid Devon Local Plan
5. Given the essential need relates to a new agriculture venture on the holding a temporary planning in recommended in accordance with Policy DM8 of the Mid Devon Local Plan
6. In accordance with application details and because the site is located outside defined settlement limits in the open countryside, where national and local planning policy would normally restrict new residential development unless there are specific circumstances which in this case is that there is an essential need for a worker to live on the site to manage the proposed activities on the site, and to be in accordance with Policy S9, S14, DM8 of the Mid Devon Local Plan.

INFORMATIVES

Conditional Approval (with negotiation)

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Equality

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

Human Rights Act

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.

Private Water Supplies:

If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal. IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT.