



3. Once complete, ask the Cabinet Member to ensure this information is presented to the PDG for review and consideration prior to making any recommendation to Full Council, via Cabinet.

## **Section 2 – Report**

### **1.0 Introduction and background**

- 1.1 In July 2025, a Motion (Motion 608) was put before Council, for the first time, by Councillor Gill Westcott. The Motion asked Council to note:

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

- 1.2 The Motion also asked Council to approve that:

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

- 1.3 An amendment was then tabled by Councillor Westcott, seconded by Councillor Fish, that the Motion be referred to this PDG (the Planning, Environment and Sustainability PDG) for review, prior to it going back to Full Council for further review and/or vote.
- 1.4 A vote was taken upon the amendment, which was carried, and so this matter is now before this PDG for further consideration.
- 1.5 Members will also be aware that Public Questions were also raised in relation to this item and that members of the public have raised questions

regarding the development and operation of Anaerobic Digester (AD) plants in the District on previous occasions.

## **2.0 Background**

- 2.1 Anaerobic Digesters are facilities which use plant and/or animal material in order to generate gas. This gas is then used to generate heat and/or power which can either be used directly (on site) or exported (i.e. via the electricity grid) to power or heat other homes/premises and installations.
- 2.2 Anaerobic Digesters have been the topic of various discussions and reports in Mid Devon in the past, most recently in October 2024 when a report regarding the number of facilities in Mid Devon was produced for the Scrutiny committee.
- 2.3 Control and management of Anaerobic Digester facilities falls across and interfaces with various Council departments and across other agencies such as the Health and Safety Executive (HSE) and Environment Agency (EA).
- 2.4 Mid Devon's Planning service has a role relating to Anaerobic Digesters both in terms of Development Management (considering applications against national, regional and local planning policy) and in terms of Planning policy (developing policy which works in the context of national policy and in supporting determination of planning applications at a local level.)
- 2.5 Planning enforcement is also utilised in the management of AD facilities, especially where breaches of planning permissions are suspected or identified. Planning enforcement activity has occurred in relation to AD plants within the District in the recent past.

## **3.0 Current planning policy position**

- 3.1 The Council determines planning applications for Anaerobic Digesters on a case by case basis, based upon the information set out within each application and with reference to relevant planning policy and in consultation with stakeholders and consultees.
- 3.2 In the case of determining applications against local Planning Policy (contained within the adopted Local Plan), several policies are relevant, including (amongst others):
  - Policy S1 – Sustainable Development Priorities;
  - Policy S14 - Countryside, and;
  - Policy DM2 – Renewable and low carbon energy.

- 3.3 In some cases, where the main ‘feedstock’ for the plant is a waste product, it may be more appropriate for the Planning Authority to be the County Council rather than the District Council. This is because Devon County Council is the Authority responsible for the management of Waste in the County.
- 3.4 The Council is unable to introduce new planning policy under the adopted Local Plan. It can only seek to further clarify or develop policy and guidance which is in-line and consistent with adopted planning policy.
- 3.5 Any new, local planning policy would need to be introduced through the next Local Plan (Plan Mid Devon) which is currently in development but which is still some way from completion and adoption.
- 3.6 The Council is therefore limited in what it can do in terms of introducing additional planning policy to support the determination of planning applications relating to AD plants.
- 3.7 It should also be remembered that AD plants are also subject to a raft of other permits and legislation which means that the planning process only has limited control over their consenting and operation. It should also be noted that the Council has no resource (human or financial) allocated to progress any work and significant work pressures on limited staff to deliver existing, committed work – this should be considered in any future recommendations.

#### **4.0 Options available to the Council**

- 4.1 With the above in mind, the Council has four options available to it when considering whether and how to develop additional policy/guidance to support decision making around, and management of, AD plants:
1. **Option 1** – Continue to rely on existing planning policy alone;
  2. **Option 2** – Develop a further Supplementary Planning Document specific to AD plants and refining and consolidating existing policy;
  3. **Option 3** – Develop a broader AD advice note which, whilst not an adopted Planning document, could provide consolidated advice across all matters relating to AD plants (not just planning) and provide a useful tool for officers, elected members and members of the public. Or;
  4. **Option 4** – Do not develop any further guidance or policy in the short term and instead look to address the issue through the new Local Plan (Plan Mid Devon), noting that this will take time.
- 4.2 A discussion of the benefits and dis-benefits of each option is set out below.
- 4.3 **Option 1:** this would effectively be a continuation of the current situation whereby applications are judged against existing planning policy (local,

regional and within the national context) and cases are determined on a case by case basis. The benefits of this approach would be that no additional guidance or policy needs to be developed, creating no financial or resource pressure for the Council. The disbenefit of this approach would be that it fails to deliver develop the Council's understanding of, or position around, AD plants and fails to respond to continued elected member and public interest in the matter.

4.4 **Option 2:** This would involve the development of a Supplementary Planning Document (SPD) to build on existing planning policy, in line with the original Motion. This document would necessarily need to be informed by existing policy and it could not introduce additional/new planning policy. The document would therefore be likely to have to be predominantly focused on the provision of further guidance to applicants. The benefits of this approach are that elected Members and officers would have an additional and specific policy to reference and that it would, at face value, respond to public aspirations for additional guidance. However, the disbenefits and short-comings in this approach are significant and include that fact that;

1. The document would likely offer very little additional policy in order to support planning application determination;
2. No officer capacity exists to lead or manage this work – the current Forward Planning team already being reduced in capacity and wholly occupied on the delivery of the new Local Plan;
3. No funding being identified to support the required work – particularly relevant where limited internal capacity means that external resource would need to be utilised to produce the document, and;
4. A procurement exercise would need to be completed in order to procure external consultants – again reliant upon internal resource – resulting in time delay before the work could be commenced.

4.5 The factors combined mean that the external commissioning and production of any SPD document would likely take circa 12 months and could be anticipated to cost the Council up to £10k. In light of this, it is not an option which is recommended given the limited additional benefit that will accrue from the work.

4.6 **Option 3:** This would involve the production of a summary document which would not be Planning Policy in the formal sense, but could be a summary document of key guidance, advice and legislation relating to Anaerobic Digester plants. This could be accessed by officers, members of the public and applicants/operators and, where appropriate, could support in the consideration and determination of planning applications (likely also informing planning conditions), also support activity across other Council functions. There may also be scope to procure and develop this in conjunction with other

Local Authorities. Again, resource and expertise does not exist within the Council to produce this work, so an external consultant would need to be identified and procured to deliver the work and it would create some additional work load pressures in procuring any consultant(s).

- 4.7 The benefits of this approach would be that the Council would have a useful and usable document to support work relating to Anaerobic Digester plants, the document should be quicker and easier to produce (or source) and the cost should therefore also be lower. The disbenefit of this would be that the document would not be a formal planning policy document and would therefore in itself carry no policy weight and that, despite the benefits of this option, the Council still has no funding or staff currently allocated to support this work and its progression will still therefore draw staff and financial resource from other projects.
- 4.8 Despite this shortcoming, officers consider that this (Option 3) might produce the most useful document in a manner which is both time and cost effective and best address ongoing public and member interest in the matter. It is therefore the recommended option if Members do feel that it is necessary to produce an additional document and are happy to accept implications of this in terms of potential to impact on other, existing work commitments.
- 4.9 **Option 4:** would be not to progress with any work in the short-term (guidance/advice or an SPD) and to instead look to address the issue through the new Local Plan.
- 4.10 Whilst this approach is, in some ways, the most logical course of action, it does come with several disbenefits. Notably; the work is not currently identified as a specific task in the production of the new Local Plan (being likely to feature as part of a wider sustainability/energy workstream); it would place additional burdens on an already depleted team and, most notably, it would mean a significant delay in the production of any further advice/guidance/policy. For this reason it is considered that it does not meet the needs or aspirations of elected members or the public and it is not a recommended option.

## **5.0 Recommendation**

- 5.1 With the above in mind, Option 3 (the production of a summary guidance/advice document covering relevant matters relating to AD plants) is considered to be the 'best' option to progress – if Members are content to accept potential cost/work impacts.
- 5.2 However, before a final recommendation is made to members based on Option 3, it is recommended that this PDG ask the Cabinet Member to instruct

officers to undertake further work to scope any summary guidance/advice document. It is expected that this will;

1. Further refine the scope and content of any advice/guidance document (and assess the 'value' of this to the Council's work);
2. Determine whether other documents already exist which could be utilised, developed or refined by this Council to meet our requirements;
3. Determine whether the work could be commissioned with other/neighbouring authorities;
4. Identify consultants/advisers who may be able to undertake the work on behalf of the Authority and discuss/refine the draft scope with these consultants to ensure its robustness, and;
5. Determine an approximate cost for the work and a likely timetable for production.

- 5.3 Once this exercise is complete and information secured, it is recommended that the Cabinet Member be asked that this be brought back to this PDG for further discussion prior to any final recommendation being made in response to the original Motion.

### **Financial Implications**

As the report sets out; no financial or staff resource exists to support this work and members need to consider this when selecting any course of action. The production of any guidance or policy will therefore place further demands on existing staff (likely resulting in delays to other work) and will demand that funding is drawn from other budgets. It is however believed that the cost of production of the document could be covered from within existing Forward Planning budgets.

### **Legal Implications**

There are no direct legal implications arising from this report but further legal input will be required as options are refined and as any work is completed.

### **Risk Assessment**

There are no major risks are associated directly with this report. Reputational risk does exist in terms of ongoing public concern around the development and operation of AD plants within the Devon geography and so it is important that members of the public can see that the Council is continuing to take these concerns seriously and is continuing to act in the best interests of the public (at large.) Undertaking a focused piece of work to support the Council in general dealings with AD plants may therefore provide further public assurance and ensure that reputational risk is minimised.

### **Impact on Climate Change**

AD plants have significant scope to create climate/carbon implications and other environmental impacts – potentially both positively and negatively. Planning applications have to be determined based upon individual cases and with national,

regional and local planning policy in mind. However, in developing any further policy or guidance, careful consideration will need to be given to Climate matters and consideration given to how any advice or guidance deals with, or comments on, these matters.

### **Equalities Impact Assessment**

No Equalities issues are considered to arise from this report, but a further review should be undertaken at the time of the next report in order to consider how any decision may create Equalities impacts and what mitigations/measures can be put in place to address and overcome these.

### **Relationship to Corporate Plan**

This work would not be core to the Corporate Plan, but could support wider Corporate Plan ambitions and objectives. It should however be noted that progression of this work also has the potential to delay other work (such as the production of the new Local Plan), which could be contrary to other Corporate objectives, ambitions and targets. Careful consideration of the work will therefore need to occur to ensure that the Council is continuing to deliver on objectives and meeting the objectives of the organisation and needs of residents/businesses as effectively and efficiently as possible.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151 Officer  
**Date:** 12 September 2025

**Statutory Officer:** Maria De Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 12 September 2025

**Chief Officer:** Stephen Walford  
Agreed by Chief Executive  
**Date:** 12 September 2025

**Performance and risk:** Stephen Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 15 September 2025

**Cabinet member notified:** yes

### **Section 4 - Contact Details and Background Papers**

**Contact:** Richard Marsh, Director of Place and Economy  
**Email:** rmarsh@middevon.gov.uk  
**Background papers:**