

**MINUTES of a MEETING of the PLANNING, ENVIRONMENT & SUSTAINABILITY
POLICY DEVELOPMENT GROUP** held on 23 September 2025 at 5.30 pm

Present

Councillors: B Fish (Chair)
G Cochran (Vice-Chair), C Adcock,
G Czapiewski, C Harrower, A Stirling and
G Westcott

Apologies

Councillor: A Glover

Also Present

Councillor: S Keable

Also Present

Officers: Richard Marsh (Director of Place & Economy), Paul Deal
(Head of Finance, Property & Climate Resilience), Jason
Ball (Climate and Sustainability Specialist) and Angie
Howell (Democratic Services Officer)

Councillors

Online: E Buczkowski, G Duchesne, L G J Kennedy and D Wulff

Officer Online: Tristan Peat (Forward Planning Team Leader)

21 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:22)

Apologies were received from Cllr A Glover.

22 PUBLIC QUESTION TIME (00:03:34)

The following questions were received from members of the public:-

Andrew Moore (which the Chair read out) – Regarding Agenda Item 8

My thanks to the PDG for responding to the questions raised at the last meeting. I am reassured that the Council continues the pragmatic investment strategy adopted by the S151 Officer and previous administration.

The Climate Change Committee is cited. However, it is widely recognised as untrustworthy, except by those with blind adherence to climate alarmism. It is populated by advocates of the 'green agenda' with vested interests in green businesses. It determines government policy without democratic control. It's lost touch with reality - actual floating offshore wind prices are 7 times the CCC's naïve figures. The Met Office is also cited, yet it too has been discredited. It's used unscientific methods to create a false narrative of temperature change. 80% of its measurement sites are Cat 4 and 5 with potential errors of up to 5 degrees. It's fabricated temperature records where none exist.

You say, 'The scale and the pace of the problem can be overwhelming.' That is categorically untrue, and the public are increasingly 'not buying it'. There is increasing evidence that many of the cited calamity events are within normal tolerances. Recent studies show that CO2 levels lag temperature - other forces are also at play. Modelling often sensationalises with extreme scenarios, even assuming mankind really understands something as complex, large and non-linear as the climate. The heart of my question was whether there is any real point in pursuing a 'Net Zero' strategy, let alone even increasing core budget as proposed. It is a weak response to state that Plans and Strategy documents are in place, and that's that. Serious questions are now being raised about the veracity of the CO2-driven climate change narrative. For a PDG not to consider these is complacent. I note that from the Update Report after 7 years of effort, the total reduction for MDDC is 361 tCO2, just 2%. It's even gone up in the past 12 months and is now above the average for that same period.

Question 1

Can you please advise how much the Council has spent on its Climate Emergency initiative over 7 years (in direct and external funding including routine work and projects)?

Question 2

Given the questions around the climate change narrative, MDDC's negligible contribution, that expenditure is having little effect, and with a big forecast financial shortfall, wouldn't public money be better spent on community work / grants with an immediate and tangible benefit?

Question 3

Will this PDG amend planning guidance to prioritise food security, the natural environment, and the beauty of Mid-Devon over conflicting solar and wind development proposals?

Question 4

Will this PDG commission a study into the evidence counter to the standard climate change narrative better to inform its strategy for the future?

Sarah Coffin - Regarding Agenda Item 9

As stated in the officer's report Farm-fed Anaerobic Digesters (those under Mid Devon control) can have either negative or beneficial impact, dependent on three fundamental operational principles:-

1. Sustainable access to appropriate land to provide sufficient crop feedstock and provide safe spreading of manures and approx. 90% digestate residue, as a benefit fertiliser in accordance with WRAP/EA Rules and restrictions. Otherwise they are classed as “waste” and require more costly disposal.
2. Sufficient secure storage of odorous feedstocks and manures/digestate to reduce emissions to air and pollution of soil and water utilising the best available techniques.
3. All industry and commerce has to be commercially viable to maintain its existence, however those that are supported by public money and purporting to be “green energy” are required to also prove they are “renewable and sustainable” in an environmentally beneficial way. I respect suggest there can be no integrity in such similar future projects, without serious assessment and full consideration of past failings as described in Motion 608.

Question1

Can I therefore request that whichever of the stated options Members choose it will include consideration of the following for all large/industrial livestock/energy projects:-

- a) Increased use of the already existing S106 or similar legal agreement, whereby approved applicants confirm acceptance and the capacity to comply with all approved planning material and mitigating conditions, as well at WRAP/EA Farming Best Practice Rules and restrictions.
- b) Identify and evidence showing all land versus seasonal or business let third party lands. Particularly relevant given the 2025 legal precedent set via 3 court cases: NFU v Hertfordshire Council & Ors EWHC 536 (Admin); Methwold Borough Council West Norfolk Refusal of Industrial Factory Chicken and Pig farms (citing UK Supreme Court ruling Finch v Surrey County Council) establishing the need for LPAs to fully account for both direct and indirect climate emissions; finally R (Caffyn) v Shropshire Council EWHC 1497 (Admin) Mr Caffyn’s successful claim that Council approval for £200k intensive poultry unit had failed to lawfully assess the full in-combination effects of manure and digestate spreading on third party lands.
- c) Full inclusion of all relevant historical Scrutiny Committee reports (2017/18) relating to Anaerobic Digester complaints.

Nick Govier - Regarding Agenda Item 9

As part of the Full Council meeting on 23 July the decision from that meeting confirmed in the minutes was for the motion to be referred to this Committee before returning to Full Council. The initial recommendations which this Committee is seeing this evening as part of those minutes. It also stated, and I quote the questions received from the member of public would be considered at the Planning, Environment and Sustainability PDG.

Question 1

Can this Committee please confirm that all attendees have seen those questions raised by the member of public? Have they been circulated in advance and will they be considered as part of the recommendation contained in option 3 including how they will be incorporated in the scope of any further document.

Turning to the recommendation, I am not naïve to the challenges of funding and resource capacity, which have been outlined in the paper and also how any developed document can only provide guidance as opposed to defined policy.

Question 2

Can I ask this Committee to ensure that any such document developed incorporates the following:- How we develop subject matter expertise in the planning function for assessing future and existing AD applications to reflect the disproportionate share of AD plants located in Mid Devon. This will negate the need for ongoing consultancy costs to review such cases.

Question 3

What knowledge and training investment can be recommended for a small cohort of planning officers? This can be sourced locally in view of the highly respected expertise in Devon in AD plants all located within close proximity to this building.

Question 4

How can the applicant be mandated to support future AD applications by bringing greater transparency to the complete view of net zero impacts when submitting any future AD applications.

Paul Elstone - Regarding Agenda Item 9

Motion 608 references a report prepared in France and which found that only 30% of AD's tested were providing green and sustainable energy. Of the AD's currently in operation in Mid Devon only one is producing green and sustainable energy. It is an on farm AD producing just 80Kw per hour of electricity. It's primary feedstock being cow slurry. The 2 largest industrial sized ADs are producing around 1 mega watt per hour of electricity. This being 100% over planning consent and with maize as the primary feedstock. They are growing energy crops to produce electricity to the grid using combined heat and power units running at around 38% efficiency.

Question 1

Will this Committee recognise that these are the very worst types of AD's and which the French report identifies as not green and therefore not sustainable.

AD's that require very particular consideration in any planning policy etc? This Council is very proud of its green and sustainability credentials. Be it recycling rates, net zero social homes, leisure centre energy consumption reduction, solar panel installations.

Question 2

Does this Committee fully appreciate that in a strike of a pen and in approving certain types of anaerobic digester installations and even worse the increase in power generation and resultant feedstock requirements for existing and industrial sized AD plants that all the MDDC CO2 emission savings will be negated and perhaps a hundred times over?

Therefore I would suggest that this Committee needs to access the best of technical expertise it can when deciding on the best way forward in support of its green agenda. Expertise which is available in the public realm.

Expertise with relevant Doctorates and Masters Degrees. Expertise that would come free of charge. Expertise that will relieve a time burden on officers and save MDDC cost.

Question 3

Will this Committee please fully develop this option?

The current planning approvals concerning anaerobic digesters are highly reliant on planning condition compliance. History over the last 8 plus years has shown that planning conditions are being totally ignored and without any meaningful enforcement. A list of condition breaches and based fully on evidence follows.

1. AD' exporting over twice as much electricity as the planning conditions allow. Over 1000kw per hour as opposed to 500. Even reporting different production to MDDC and OFGEM. If this condition alone was enforced much of the abuse would be controlled.
2. Feedstock and digestate tonnages far greater than consent.
3. Feedstock supplied from and digestate spread in locations not approved.
4. Failure to comply with agreed traffic routes.
5. Failure to provide correct weigh bridge data.

There are 12 separate planning condition breaches but time prevents me from completing.

Question 4

Will this Committee recognise that it now has the opportunity to put much of these abuses to rights?

The Chair stated that as the questions had not been received in advance, written responses would be provided within 10 working days and attached to the minutes.

23 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:19:39)

No interests were declared under this item.

24 MINUTES OF THE PREVIOUS MEETING (00:19:57)

The minutes of the last meeting held on 29 July 2025 were approved as a correct record of the meeting and **SIGNED** by the Chair.

25 CHAIR'S ANNOUNCEMENTS (00:20:26)

The Chair had no announcements to make.

26 PERFORMANCE DASHBOARD Q1 (00:20:32)

The Group were presented with, and **NOTED** the Performance Dashboard for Quarter 1 2025/26.

The overall performance was presented in a pie chart which combined the RAG ratings (Red/Amber/Green). The indicators were presented with the current performance and the annual target to indicate whether or not the Council were on track to meet its target.

The following was highlighted within the report:-

- The performance dashboard for Q1 aimed to give an understanding of how services were performing that related to this Policy Development Group (PDG).
- In terms of performance, finance and risk, any measures that were also part of the Corporate Plan were listed in yellow text.
- Electric car charging points installed across Mid Devon District Council (MDDC) were showing as Red at this point in the year.
- There were no electric car charging points installed in quarter 1 however in 2024/2025 6 new charging points were installed which was ahead of the annual target for that year (effectively +2 in hand).
- Discussions were taking place with a provider to upgrade the infrastructure that was based at the Council's Leisure Centres in terms of charging points there.
- The projected capital outturn was also showing as Red. This was spending in terms of the Cullompton Relief Road which had slipped from the initial forecast however the project was well underway and construction was due to start in 2026/2027.
- There were also small contributions into the land drainage project which the Environment Agency would lead on and those had slipped.
- The capital slippage of overall projects was also showing as Red as all 3 projects had slipped.
- Building control income which was projected as Amber was slightly below forecast which was due to the current economic conditions which had been the case in this service in the last 18 months.

Discussion took place regarding:

- Whether there were any electric charging points for social housing? It was explained that this indicator was from the General Fund infrastructure whereas electric charging points for social housing would fall within the Housing Revenue Account (HRA). However this data could also be reported.
- When would the additional electric charging points be installed and where would they be placed as it was important to ensure they were spread out across the District. It was explained that due to an additional 2 charging points which were installed last year this meant that 2 more were left to be installed. Tiverton Pannier Market would be installed next followed by West Exe South and Crediton High Street Saviours Way. There was another scheme in hand which would be initiated soon through the Local Electric Vehicle Infrastructure Fund (LEVI). There would be slower chargers in residential areas which would balance out the rapid chargers in

core car parks and additional rural installations. Public charging points at the Council's Leisure Centres were also being upgraded.

- Whether the Grand Western Canal would have electric chargers installed. It was confirmed that this was not the Council's asset. However questions would be asked to see if there were any plans for that.

Note: * Performance Dashboard previously circulated

27 MEDIUM TERM FINANCIAL PLAN (00:28:17)

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2025/26 to 2028/29 for the General Fund (GF) and considered initial savings options.

The Head of Finance, Property and Climate Resilience presented the report and the following was highlighted:

- The MFTP was different this year to that in previous years due to a raft of changes that were expected in terms of funding from 2026/2027.
- It also reflected the longer term restrictions placed upon the Council by the Local Government Reorganisation (LGR).
- A projected shortfall could not be provided as there was no knowledge of where funding might be next year.
- However, there were a range of shortfalls based on the information that the Council did have from the government which were between £1m and £3m for next year.
- The Chancellors statement which was normally expected at the end of October 2025 would now be delayed until November 2026.
- The Government's Cabinet reshuffle and the loss of the Cabinet Minister for the Council's sector could also have a potential impact.
- This could mean significant changes for the level of funding and the priorities that the Government may have.
- The Council had an obligation to balance the budget in the normal way as was required by statute, this meant not relying on reserves, optimising income where necessary and diverting money to ensure that services were protected and ensured that capital spending delivered the best value for money.
- Given the timescale of the shortfall and the restricted timeframe in which to tackle it, it was likely that the Council would need to draw on reserves in order to help balance the 2026/2027 budget.
- Appendix 2 in the report identified the pressures and Appendix 3 the savings for the Group to consider.
- The Green and Amber options were officer recommendations. Options shown as Red were doable but came with implications.

Discussion took place regarding:-

- The pressures of additional agency costs.
- The baseline budget for climate change.

- Whether fees were set nationally. It was explained that the Government set the level of statutory fees nationally. The Council set the discretionary fees.
- The reduction of Section 106 monitoring fees and whether this would mean receiving less money or proportionately less per house which would affect the quality of the facilities being provided. It was explained that the Council would seek as much money as possible however contributions were subject to a viability assessment. There may be a lower contribution across the whole development globally which would also then break down to individual units. This would mean a potential reduction in terms of contributions.
- The concerns regarding Section 106 finance and the Group being uncomfortable with the underlying assumptions.
- Whether Section 106 Monitoring could be considered further due to a reduction of income putting pressure on the quality of facilities being provided to residents. The Director of Place and Economy explained that that Council would have to take a view in terms of where it chose to spend the Section 106 contributions to ensure the best outcomes were derived and money was spent to offset pressures associated with development. He confirmed that along with the Head of Finance, Property and Climate Resilience he would look further into the technical details and that would be reflected in any future reports.

RECOMMENDED to the Cabinet that:-

- (i) It notes the Planning, Environment and Sustainability Policy Development Group's questions and concerns regarding the reduction of Section 106 Finance and that it considers this further in light of the comments made.
- (ii) The budget proposals as set out in the Appendices 2 and 3 be approved.

(Proposed by Cllr G Czapiewski and seconded by Cllr C Harrower)

Reason for the decision

By undertaking regular reviews of the MTFP the Council could ensure that its Corporate Plan priorities were affordable. The implications of the budget gap were set out within the paper. Many areas required greater clarity, particularly around national funding and possible changes to Government Policy. Therefore a number of key assumptions underpinned the reported position, which would be refined as greater clarity was received through the budget setting process.

Note: * Report previously circulated.

28 **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE UPDATE (00:52:28)**

The Group had before it, and **NOTED** a report* from the Cabinet Member for Environment and Climate Change.

As the Cabinet Member for Environment and Climate Change was unable to attend the meeting, the Chair updated the Group on her behalf as he was also the Chair of the Net Zero Advisory Group.

The following was highlighted within the report:-

- The Council would now be collecting pots and pans across the whole district.
- There had been a mixed picture with regard to the carbon footprint particularly in respect to housing renovations and upgrades.
- There had been a fantastic response from the first informal online Forum with supporting workshops, where over 30 stakeholders attended including farmers and educators where ideas and support was exchanged.
- The Climate and Sustainability Specialist would be attending the Big Green Fair on Saturday in Crediton where home energy and retrofit advice would be available.
- Work with Dart Valley Farmers was ongoing for an event in November 2025.
- Partnership work with the Blackdown Hills National Landscape would engage stakeholders around natural flood management and climate adaption.
- The 2024/2025 carbon footprint result was 2% higher than the previous year which was mainly due to the climate change impacts linked to spending for example the rise in construction spending.
- Emissions had been successfully cut by investing to decarbonise the Tiverton and Crediton Leisure Centres.
- Social housing had a significant lower carbon footprint.
- Net emission for elements in the Councils direct control which comprised of the Council offices, facilities, transports and offsets contributed just under 9% of the 2024/25 overall total.
- The 1,589 carbon dioxide figure for 2024 was circa 35% which was lower than the 2,427 figure for 2028/2029 baseline (almost 840 carbon tonnes less).
- Reductions since 2018/2019 came from Council offices and facilities from 1098 to 705 carbon tonnes.
- Since 2018/2019 fleet impacts had changed although the Council now served circa 2500 more households.
- Rapid progress had been made to replace social housing with 48 net zero new build homes due to be in place by the end of the year. The procurement of those construction projects would make a climate impact on the 2025/2026 carbon footprint. The investment would reduce the Council's annual carbon footprint by approximately 136 tonnes per year.
- A broad range of support had been given to businesses to promote the Green Enterprise Grants alongside free advice for Mid Devon farmers.

The Chair thanked the Climate and Sustainability Specialist and the Cabinet Member for Environment and Climate Change for all their hard work.

Discussion took place with regard to:-

- The decarbonised Leisure Centres and how the heat pumps worked. It was explained that by decarbonising, centres had moved away from fossil fuel for heating, however more electricity was being used to drive heat pumps to replace that (capturing heat to warm the centres and extracting heat to cool the centres as required). The Council purchased “green electricity” (with REGO certificates) in addition to power from its own solar panels, and energy was being used in a more efficient manner. This meant that the Council was cutting its carbon footprint.
- Property Services planned to upgrade building energy management systems at Phoenix House so it could be run more efficiently. It was explained that a stage by stage project shopping list was being put together and those costs would be covered under the Capital Programme.

Note: * Report previously circulated.

29 **MOTION 608 - ANAEROBIC DIGESTER PLANTS**

The Group had before it a report * from the Director of Place and Economy to discuss options available to Members around the production of further (supplementary) planning policy or guidance in relation to the development of Anaerobic Digester (AD) Plants within Mid Devon.

Prior to the presentation the Director of Place and Economy wished to comment on some of the questions raised earlier and stated the following:-

- The questions raised highlighted and reinforced some particular points which were useful and helpful in terms of informing the choices that the Council made moving forwards in developing its understanding and knowledge of AD plants and what the Council could do in terms of supporting effective management and operation of them in terms of procuring additional guidance and advice.
- References to case laws would also be taken on board and the Environment Agency restrictions.
- It was helpful to officers to have an understanding of what fell within the jurisdiction of the Environment Agency and how they managed it.
- The Director of Place and Economy confirmed that he had been mindful of the questions posed and supporting documents presented at the Full Council meeting and that they were considered when drafting the report. He also confirmed that these would carry forward into any further work that the Council commissioned.
- A site visit for Members of the Group may be useful to understand how AD's operated and could provide continuous learning, understanding and appreciation of how AD plants operated.
- The Council was guided by procurement requirements when selecting and appointment consultants.
- With regard to planning enforcement he could confirm that in the last 12 months a total of 18 Notices had been served. The Council were taking a proactive stance in terms of planning enforcement and seeking to address high risk breaches when they occurred.

The following was highlighted within the report:-

- The report was in response to a Motion that was brought before Full Council in July 2025 by Cllr G Westcott.
- It set out various points to note and sought approval for Planning Officers to prepare a supplementary planning document outlining conditions under which any further applications for anaerobic digester plants or the extension of existing plants would be acceptable and contributed to the goals for climate change mitigation as well as planning conditions that may be required to ensure that contribution was realised.
- An amendment was carried to refer the Motion back to this Policy Development Group (PDG) to review and discuss prior to it going back to Full Council for further review.
- There were 4 options available to Members. Officers had recommended Option 3 (a broad AD advice note) to the Group as this gave the Council an opportunity to provide some further understanding whilst not having the challenges of cost and time of seeking to provide a Supplementary Planning Document which would have limited weight.
- If the Group were minded to approve the recommendations, the Cabinet Member for Planning and Economic Regeneration would be asked to instruct officers to scope out further work and report back to this PDG prior to any onward decision making.

Discussion took place regarding:-

- Whether officers had the capacity to carry out the work or would the work be outsourced and if so was there any financial allowance for that? It was explained there was no financial or officer allowance for any of the work. Option 3 would place an additional demand on officer's time in terms of procuring and having oversight of a piece of work which would need to be factored in for an already depleted team having to do further work. However the Council would be looking at an external consultant to seek professional advice and to carry out the bulk of the work to minimise the impact on officers. The Council would follow appropriate procurement regulations and requirements and to fully explore where that advice came from to secure best value of public funds.
- The concerns from members of the public with regard to traffic congestion, safety of very large vehicles trying to pass each other on roads, the danger for pedestrians and that routes for heavy vehicles were not always being observed.
- Whether more information could be provided in planning applications for anaerobic digester plants which could give Planning Officers or the Planning Committee the ability to decide whether a new capacity would conform to what was already in the Local Plan or not. It was explained that the Council needed to have a policy basis for any decision making and the capacity and technical competency on behalf of officers to understand what they were being presented with. In terms of future plan making, anything that the Council understood now would be helpful in supporting future policies in the new Local Plan and that would be taken on board.
- The possibility of gathering metric data with regards to anaerobic digester plants and information regarding energy generated.

- An approximate costing for the budget required for the study. It was explained that although his figure could not be confirmed at the moment a reasonable assessment of the likely cost could be £10,000. The report to the next meeting of the PDG would include the clarity of costing.
- Collaboration with other local authorities, organisations and academic bodies and to include that within the recommendations.

It was **AGREED** that a site visit to an AD Plant (outside of Mid Devon District) would be organised by the Director of Place and Economy.

It was therefore **RECOMMENDED**:-

1. To note that the Planning Policy relevant to Anaerobic Digesters is provided through the adopted Local Plan and that further/new policy cannot be introduced through a Supplementary Planning Document (SPD);

2. That the Cabinet Member for Planning and Economic Regeneration is asked to instruct officers to engage suitably qualified consultants in discussion to determine what could be contained within an advice/guidance note to inform Council work relating to Anaerobic Digester plants, the cost for the production of such an advice note, scope for collaboration with other authorities/institutions and the timetable for completion, and;

3. Once complete, the Cabinet Member of Planning and Economic Regeneration is asked to ensure this information is presented to the Policy Development Group for review and consideration prior to making any recommendation back to Full Council, via the Cabinet.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note *Report previously circulated.

30 **PLANNING SUMMARY REPORT**

The Group had before it, and **NOTED** a report* from the Director of Place and Economy summarising activity undertaken in relation to planning matters.

The following was highlighted within the report:-

- The Council were continuing to have a good market share within Building Control
- Development Management were performing well despite the challenging macroeconomic situation and building landscape.
- Planning Enforcement was making headway in terms of taking a proactive stance in seeking to address planning enforcement breaches and matters generally within the district.

Discussion took place regarding:-

- Clarity with regard to the new National Planning Policy Framework. It was explained that information was imminent and that updates would be provided to Members when it became available.

Note: * Report previously circulated.

31 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The Committee had before it, and **NOTED**, the items identified in the work programme for the next meeting.

The Chair confirmed the following would be considered at the next meeting of the PDG:-

- S106 Governance Framework update
- Performance Dashboard for Q2
- Draft budget (Round 2)
- Climate and Sustainability Update
- Planning Summary Report

The Director of Place and Economy informed the Group that a report for the North Devon Railway Development Alliance would also be presented at the next meeting for Members to consider.

The Climate and Sustainability Specialist informed the Group that a report would be presented to the PDG reviewing the Terms of Reference for the Net Zero Advisory Group (NZAG).

(The meeting ended at 7.25 pm)

CHAIR