

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 September 2015 at 10.00 am

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs H Bainbridge, Mrs G Doe, R Evans,  
Mrs S Griggs, T G Hughes, B A Moore,  
Mrs J Roach and Mrs N Woollatt

### **Apologies**

#### **Councillor(s)**

Mrs J B Binks, Mrs C P Daw, Mrs E J Slade, T W Snow  
and N A Way

### **Also Present**

#### **Councillor(s)**

R J Chesterton, R M Deed and C J Eginton

### **Also Present**

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

Nick Sanderson (Head of Housing and Property Services),  
Amy Tregellas (Head of Communities and Governance and  
Monitoring Officer), Liz Reeves (Head of Customer  
Services) and Julia Stuckey (Member Services Officer)

## **47 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs J Binks who was substituted by Cllr R Evans, Cllr Mrs C P Daw, Cllr Mrs E Slade who was substituted by Cllr Mrs G Doe, Cllr T W Snow and Cllr N A Way.

## **48 MEETING MANAGEMENT**

The Chairman indicated that he intended to take item 5 on the agenda before item 4.

## **49 PUBLIC QUESTION TIME**

Mrs S Coffin from Templeton asked a question referring to item 5 on the agenda. She stated that Mr Stuart Cole and Mr Winston Reed were Directors within the Greener for Life Group (GFL) (comprising approx. 50 plus individual companies) and which offered a complete operational service to the 11 Anaerobic Digesters (AD)'s it was connected with across Devon/Somerset/Cornwall. This encompassed the importing and exporting between sites of both various feedstock's/manures as well as non-pasteurized liquid waste from the AD process.

She informed the Committee that since the GFL Group and associated AD's at Menchine Farm, Nomansland, Great Hele Farm, South Molton and Frogmary Green Farm, South Petherton started operations - the parishes of Nomansland, Puddington,

Templeton and Rackenford as well as other Mid Devon and other neighbouring roadside residents and hamlets had endured:-

a) Increased noise and vibration from traffic movements to and from to service the AD and rented lands; as well as the import/export between AD sites across Parish/District and County boundaries. These can and do include journeys throughout the night.

b) Residents of the hamlet of Nomansland can hear the continuous noise from the operations servicing the AD to include the reversing beepers and chp units.

c) Continual destruction of our fragile rural 'C' roads and annihilation of our banks and verges which are enduring passage of huge agricultural implements (some with loaded combined weight of 50 tonnes plus) together with 44 tonne artic lorry movements. Highways constantly stating no money to maintain/repair.

d) Bad odours and pollution from heaps of uncovered chicken litter scattered across associated rented lands across five parishes.

e) Pollution incidents affecting our rivers and streams from silage effluent and slurry/liquid digestate through apparent operational error or over-spreading.

f) The importing (for example) of liquid digestate waste in HGV's all the way from South Petherton, Somerset to an uncovered slurry pit at Crossparks, Nomansland within less than 100 metres of two non-agricultural private dwellings. This has resulted in an additional nuisance of odour and noise plus potential health risk complaint from the affected residents to your Council.

g) The returning lorries then loading up with slurry from Edgeworthy Farm, Nomansland (an approximate 80 to 100 mile round trip to GFL Frogmary Green AD).

She said that it would appear from the letter dated 17th August 2015 received (via MP Neil Parish) from Rory Stewart, OBE, MP (DEFRA), that it is entirely the responsibility of the Local Planning Authority to enforce any planning conditions imposed on Planning Approvals granted. Also according to the letter, Enforcement Officers have increased powers at their disposal to ensure compliance and thus prevent what could otherwise become an unacceptable impact on the amenity of an area.

In view of all the above and the fact that any 'Best Practice' controls within the AD Industry appear to be purely voluntary – it would seem that the only protection for the local environment and amenities is via the imposing and enforcement of said Planning Conditions which is purely down to the Local Planning Authority.

We, therefore respectfully ask for Menchine Farm, Nomansland APP/Y1138/A/13/2193382 - Inspector Mike Robins decision dated 26/07/13 Condition 8 to be enforced in full and as set out therein. As well as requesting that a Planning Enforcement Officer pays close attention to the construction of the smaller Edgeworthy Farm, Nomansland AD which is in progress at present so as to ensure that it complies fully with the specific planning appeal granted by Inspector Gareth Symons APP/Y1138/A/14/2211282 - appeal decision date 23/05/14 and all Conditions in full contained therein.

She thanked the Committee for giving her the opportunity to speak.

Mr M Dudley Williams informed the Committee that he wished to provide further information regarding the minutes of the last meeting. Mr Williams explained that Members and the Member of Parliament had referred to potential planning applications for Junction 27. He informed the Committee that he wanted to make it

clear to them that Eden Westwood were only seeking allocation in the emerging Local Plan at this stage and had no intention of making a planning application.

Mr R Roberts, referring to item 4 on the agenda, Tiverton Town Centre Development, asked that seeing as the report appeared to indicate a lack of a business case from Premier Inns, whether other parties had been asked to submit business cases for the site. He also stated that the Chief Executive had indicated that a new Tourism Strategy was being issued in the autumn but that he had not been consulted regarding this matter. He asked what consultation had taken place.

The Chairman stated that these questions would be answered during the agenda item.

## 50 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

## 51 **ANAEROBIC DIGESTER**

Councillor B A Moore had requested that the Committee discuss anaerobic digesters. He asked that this be focused on the Greener for Life's operation of Anaerobic Digesters and the lack of timely response in general to public concerns reported to Council's officers regarding noise, smell, health, pollution, and traffic.

Councillor Moore explained that since he had been elected to the District Council he had become aware of a lot of upset within his ward regarding anaerobic digesters, he referred to the comments made by Mrs Coffin in Public Question Time regarding noise and environmental issues. He considered that the authority needed to focus and influence more, which he felt was beginning to happen. A meeting had been set up with other organisations and questions had been put to the MP at the last meeting of this Committee. He suggested that the Committee request reports regarding whether or not the authority was doing everything it could do regarding planning and health, was support being given to areas outside of the authority's control, such as the Environment Agency and what could be learnt from the history of this case.

Discussion took place regarding:

- The perceived lack of enforcement when non-compliance was reported to the authority;
- The delay in issue of the report of the Planning Policy Procedures Group;
- The need for lessons to be learnt from this case.

It was **RESOLVED** that a report be prepared to address the following issues:

- i) What was being done to help local communities that had reported issues regarding Anaerobic Digesters to both the Planning and Environmental Enforcement Services;

- ii) What work was taking place regarding this to liaise with other authorities, such as the Environment Agency;
- iii) That lessons to be learnt from this process.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs N Woollatt)

## 52 DECISIONS OF THE CABINET (26.30.00)

The Chairman informed the Committee that he had called in a decision made by the Cabinet on 27 August 2015 regarding the Tiverton Town Centre update, for consideration by the Scrutiny Committee in accordance with the Council's Constitution. The decision was as follows:

*Tiverton Town Centre Update, specifically recommendation 2:*

*That authority be delegated to the Head of Housing & Property Services, in consultation with the Cabinet Member for Housing and the Cabinet Member for Planning & Economic Development, to agree disposal to Premier Inn for 125 years of part of the multi-storey car park for the provision of a hotel.*

The Chairman explained his reasons for the call in, informing the Committee that he considered that the decision made committed the council to a long term development without the evidence base being presented. There was no evidence of a business case or consultation with appropriate bodies or that Members had been fully informed of this important proposal.

He stated that the decision involved the sale of a council asset with implications for local businesses and tourism. The report \* failed to address recommendation 2 and supporting evidence was not in place. Information was inadequate and the recommendation gave the officer power to dispose of property. At the time of the report valuation advice was still being sought.

He continued by stating that with inadequate information to base a decision on the wording implied a 'fait accompli', a done deal, with no financial case given or made, no impact statement on the town, local business, traders or employment. Consultation appeared to have been minimal. He compared the level of consultation to that carried out regarding the closure of public toilets, which had been far greater. Local Members had not been briefed, the Town Council had not been consulted and local businesses had not been consulted. He also queried the procurement process and whether all possible tenders had been invited. No pictorial information had been provided to help Members to visualise the proposed development.

The Chairman emphasised that he was aware of the need to maximise assets but considered that the authority must also maximise assets to the community.

Discussion took place regarding:-

- The Masterplan was not yet agreed;
- Decisions being taken in isolation;
- The removal of parking places despite plans to increase visitors to the town;
- The need for some decisions to be made quickly;

- Tiverton Town Centre regeneration;
- Members finding out information from the local press;
- Briefings and updates that had been put in place;
- The need to consult with local businesses and the Town Council;
- The availability of Cabinet papers to all Members;
- The development was subject to planning permission;
- The need for sufficient information within reports to allow Members to make decisions.

In answer to a question in Public Question Time from Mr Roberts, the Head of Communities and Governance confirmed that a Tourism Strategy had been drafted and that the Mid Devon Attractions Group had been working with the authority. They would review the draft when they met again in the autumn. The Policy would be going out to public consultation and relevant projects would be taken forward after this. The aim was to boost the town centres, the rural areas, and the local economy and to increase the number of visitors to the District as well as to encourage them to stay within the District.

It was **RESOLVED** that Members were satisfied with the information that had been provided and that the decision of the Cabinet taken in relation to this issue on 29<sup>th</sup> August 2015 should stand.

(Proposed by Cllr R Evans and seconded by Cllr Mrs H Bainbridge)

Notes:- i) Cllr R M Deed declared a personal interest as he knew the Town Clerk  
 ii) Cllr Mrs H Bainbridge declared a personal interest as she had received correspondence from the developer.  
 iii) \* Report previously circulated and attached to Minutes.  
 iv) A proposal that the decision be referred back to the Cabinet to ensure that a decision was made in accordance with the Constitution was not supported.

(The meeting ended at 11.43 am)

**CHAIRMAN**