

Update for enforcement item on committee:

The enforcement officer was made aware on the 29<sup>th</sup> November that a planning application has been submitted to Devon County Council in relation to the works undertaken. At present this is invalid as essential information has not been supplied. Devon County Council are also yet to determine whether the application is a County matter or whether it should be dealt with by Mid Devon District Council. Advice has been sought from the Legal Services Manager who has confirmed that the submission of this application does not have an impact on the continuation of formal enforcement action at present as the County are yet to determine if the matter falls under their jurisdiction.

Two emails have been received in support of the Council taking enforcement action in relation to this matter. The first reads as follows:

Thank you for the opportunity to voice my opinions with regard to the above case. In previous conversations with planning officers, I was informed that no slurry pit can be sited without planning permission within 400m of any dwelling. The nearest dwelling to the positioning of this site is 110m, well inside 400m. A further nine houses are within 200m and 40 dwellings are all WITHIN 400m. For this reason, it is clear to see that the applicant needs planning permission for installing this pit.

In GOV UK it states that 'You must notify the Environment Agency at least 14 days before you build new storage for slurry or make substantial changes to an existing store'. The applicant did not notify the environment agency at all prior to starting the slurry pit and has shown total disrespect for the environment; removing at least 70m of Devon hedgerow and positioning the pit too close to a waterway and local dwellings.

The installation of this slurry pit will significantly affect the immediate 40 dwellings but will also have a massive effect on the village; the smell initially will affect the houses in close proximity. Last year when the applicant stored chicken manure, none of the local dwellings could open their windows for weeks or put out washing, due to the awful smell that was omitted. Installation of the slurry pit will cause this problem again, why should we have to live behind closed windows? To fill the pit constant traffic will be used to transport millions of litres of AD waste/slurry down narrow and unsuitable lanes. The applicant last year used these lanes to transport chicken waste to Pulsards leaving the lanes unpassable and dangerous for traffic and pedestrians. On one occasion the police were called to warn motorists and to get the applicant to restore the lanes, making them safe again. This previous disregard for the safety of local residents clearly shows what little the village safety means to this farmer, he has left the lanes on numerous occasions unpassable and dangerous and transporting slurry to this pit will cause this to happen time and time again. The pit is being sited too close to a water course and with this there is the potential of pollution (please note I have been made aware that this is something the applicant has already been prosecuted for on his other farms). The applicant was informed to remove the old slurry pit, which had no actual planning permission, he totally ignored this and instead completely removed a Devon hedgerow and increased the slurry pit to a size that is far greater than the farm requires, with no regard for

planning, site and soil suitability and the impact on the environment or village. On completing the work already carried out (removing the old slurry pit, removing the hedgerow and digging a crater), the work force were working into the early hours of the morning, numerous machines were used and floodlights were shining throughout the night, keeping local residents awake on several nights and once again showing NO consideration for people who live locally.

I have lived in this village all of my life and totally know what it is like living and working in a rural community. I have lived in my current home for 21yrs, near to this farm. Since the current tenant has taken over the tenancy, the farm buildings have all deteriorated and many are now beyond repair. These shed can't and don't hold the number of livestock that warrant a slurry pit the size that has been created. He states that he is using the pit to store digestate from other farms, the tenant has several other agricultural sites, which would be better suited than at Pulsards.

We live in a society where rules are there for a reason and we should all live by them. Why is it this applicant thinks that he is different from everybody else and can totally ignore planning rules and destroy the local environment in the process? Taking all the above into account I would appreciate the committee to support the 'stop notice' and for the council to refuse any future planning permission for this work to Pulsards Farm.

The second states the following:

I am writing in reference to the works at Pulsards Farm, Pennymoor.

I have previously contacted the council and spoken to the Duty Planning Officer to advise of works being carried out. At the time the planning officer confirmed that planning permission had not been granted for any work at this address.

I would like to make the council aware of my concerns regarding work at the above address:

1. The area being excavated is only approx. 100 metres away from residential dwellings.
2. The tenant has previously stored chicken effluent in the silage pit at this address which was reported to the council. I am led to believe that this was to be used in a local Anaerobic Digestion plant (despite not being detailed as a storage site on the related planning applications). This 'material' greatly affected the close residences because of the "stench" it emitted - resulting in windows having to be kept closed and washing not being able to be hung out. Because of this connection, and the known connection Mr Reed has, to the Anaerobic Digestion plant I am fearful that this excavation work will eventually result in additional storage for fuel for the Anaerobic digestion plant resulting in potential odour and additional traffic through the village.
3. Work commenced without planning consent being sought. This included the removal of a Devon bank with beech hedge which previously marked the boundary for the existing slurry pit. This demonstrates the underhand way in which the tenant acts with total disregard to local people.

Taking all of the above into account I would greatly appreciate the committee to support the 'stop notice' and for the council to refuse any future planning permission for this work to Pulsards Farm, Pennymoor.

