

DEVELOPMENT MANAGEMENT COMMITTEE

23 October 2024

Present:-

Councillors J Brook (Chair), S Aves, I Chubb, L Hellyer, P Sanders, C Slade, J Wilton-Love and J Yabsley

Apologies:-

Councillors J Trail BEM, A Connett, I Hall, J Hodgson and C Whitton

59 Declarations of Interest

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [A list of county councillors who are also district, borough, city, parish or town councillors](#)

Councillor Hellyer declared a personal interest in item 6 for the Xlinks Morocco-UK Power Project as the local County Councillor for Bideford East.

Councillor Slade declared a personal interest in item 5 on the Retention of existing deposition and temporary landfill site at Greenway, Tiverton, as the local County Councillor for Tiverton East.

60 Minutes

RESOLVED that the minutes of the meeting held on 24 April 2024 be signed as a correct record.

61 Items Requiring Urgent Attention

There were no items requiring urgent attention.

62 County Matter: Waste Mid Devon District: Retention of existing deposition and temporary landfill site for the deposition of additional inert waste and a construction waste recycling facility with associated works including temporary buildings, access and landscaping at Land at Greenway, Uplowman, Tiverton

(Simon Coles and Jim Tamblyn, attended in person under the Public Participation Scheme and spoke in favour of the application.

Jon Pearson, Janine Banks, Nick Govier, Cllr Tim Burt, Cllr Mary Moore, Karl Wiseman, William Derby, Steve Badcott, Oli King, Cllr Gill Westcott attended both in person and remotely under the Public Participation Scheme and spoke against the application.)

Councillor Slade, who was the local member, also spoke against the application.

The Committee considered the Report of the County Planning Manager (CET/24/81) relating to the retention of existing deposition and temporary landfill site at Greenway, Uplowman, Tiverton.

The application sought to retain and appropriately manage the existing deposition of inert waste on the site, along with seeking permission for the ongoing use of the site as a temporary landfill site for inert waste for a period of 8 years. The application further sought to approve the creation of a construction waste recycling facility (to include temporary buildings) access to the site and landscaping mitigation and also included the phased restoration of the land following the proposed temporary use period.

It was considered that the main material considerations in the determination of the proposed development were waste policy; the strategic planning context; transportation, access and highway safety; landscape and visual impact; biodiversity; drainage and flood risk; amenity and health; agricultural land and soil management; historic environment; and sustainability and climate change.

It was also highlighted that consideration of the impacts of the proposed development in subsequent parts of Section 7 of the Report demonstrated that the proposals would be contrary to national guidance and development plan policies by causing serious harm to highway safety and to the local landscape, with additional concerns remaining unresolved in relation to soil management and agricultural land, biodiversity gain and the applicant's noise assessment. It was concluded that any justification for the proposed landfill and recycling capacity would be outweighed by the adverse impacts of the development, and the application was therefore recommended for refusal for the reasons given in Section 1 of the Report.

There were a large number of objections raised including from Mid Devon District Council, several parish councils, and the local primary school as well as local residents. As of the date of the meeting (23 October 2024) the total number of public objectors was 572.

Members were informed that further information had also been received from the applicant, since the publication of the Report, on landscape and ecology, a traffic management plan, amended noise assessment and a letter to the Committee. The planning officer tabled amended wording for the second reason for refusal relating to landscape.

Member discussions and questions to the Officers (which included points arising from the issues raised by the Speakers) related to the impact of the proposed development on highway safety and concerns about the lane being used for lorry movements. The Committee was in agreement with the officer's recommendations.

The matter having been debated and having regard to the main material planning policies and requirements, it was **MOVED** by Councillor Slade and **SECONDED** by Councillor Cox and

RESOLVED that planning permission be refused for the following reasons:

1. The proposed development is unacceptable for highway reasons on the following grounds:
 - (a) the geometry of the site access as it is proposed to be altered is likely to result in unacceptable manoeuvring on the highway with consequent risk of additional danger to all users of the road;
 - (b) the roads giving access to the site are, by reason of their inadequate width, unsuitable to accommodate the increase in traffic;
 - (c) the development is likely to result in conflict between residential and commercial traffic, and with pedestrians, cyclists, horse riders and other vulnerable road users; and
 - (d) adequate information has not been submitted to satisfy the Waste Planning Authority that the proposal is acceptable in terms of access, including with regard to the proposed passing places on Greenway and the proposed lorry route through Uplowman and Sampford Peverell.

The residual cumulative effects on the road network would be severe, contrary to the National Planning Policy Framework, and the impacts on road safety and the functionality of the local highway network would be contrary to Policies W2 and W17 of the Devon Waste Plan and Policy DM3 of the Mid Devon Local Plan.

2. Insufficient information has been provided to demonstrate that the proposed waste operations have been well-designed to minimise visual impacts and conserve the rural character of the area, including a lack of consideration for progressive restoration that would ensure that the landfill site is restored to beneficial after uses at the earliest opportunity, and proposals for screening of public views that are undeliverable due to their location on land that is not under the applicants' control.

The proposed development is therefore contrary to paragraph 7 of the National Planning Policy for Waste and Policies W2, W12 and W14 of the Devon Waste Plan.

3. Insufficient information has been provided to demonstrate how the proposed development would affect the best and most versatile agricultural land and associated soils within the application site as required

through Policies W2 and W16 of the Devon Waste Plan and Policy S9 of the Mid Devon Local Plan.

4. The proposed development would result in a net loss of habitat units and thereby fail to achieve a net gain for wildlife, contrary to Policies W2, W11, W14 and W20 of the Devon Waste Plan and the National Planning Policy Framework.
5. The applicant's noise assessment does not adequately consider the effects of traffic noise resulting from vehicles generated by the proposed development on sensitive receptors located on the proposed vehicle route, and therefore fails to properly demonstrate that the development will avoid significant noise nuisance to properties on that route, contrary to Policies W2 and W18 of the Devon Waste Plan.

63 Xlinks Morocco-UK Power Project - Development Consent Order

The Committee considered the Report of the County Planning Manager (CET/24/82) relating to Xlinks, a National Significant Infrastructure Project (NSIP) which aimed to install an electricity generation facility entirely powered by solar and wind energy, combined with a battery storage facility, in Morocco, to supply electricity to the UK.

This would connect to the UK via approximately 4,000km of High Voltage Direct Current (HVDC) sub-sea cables. Landfall of the cable was proposed at Cornborough Range, approximately 4km west of Bideford. An onshore HVDC cable corridor, approximately 14.5km long, would provide a cable connection to two converter stations, which was proposed immediately west of the existing Alverdiscott substation site. A new substation, within the existing Alverdiscott substation site, would then connect the converter stations to the national grid.

NSIPs are large scale major development projects that require a Development Consent Order (DCO) under the Planning Act 2008, rather than a planning application under the Town and Country Planning Act 1990.

The Development Consent Order would be drafted to meet the specific circumstances of the proposed development. Common provisions include:

- The development consent;
- The power to compulsorily acquire land and rights;
- Necessary powers in relation to highways works, public rights of way, traffic regulation measures;
- Requirements (conditions) which will control the construction, commissioning, operation and, if appropriate, the decommissioning of the approved works, including appeal mechanisms;
- Power to take steps to protect buildings and enter land to survey and investigate it;
- Power to fell or lop trees and the removal of hedgerows;

- Power to override usual consents that protect the public from nuisance, etc.

Member discussions and questions to the Officers related to safeguards for rural landlords, breaches of development consent orders which could attract criminal sanctions and the huge scale and ambition of the project.

The matter having been debated and having regard to the main material planning policies and requirements, it was **MOVED** by Councillor Hellyer and **SECONDED** by Councillor Wilton-Love and

RESOLVED that the Committee:

- (a) Endorses the Council's participation, including that to date, in the Development Consent Order process for the Xlinks Morocco-UK Power Project.
- (b) Delegates authority to the Deputy Director – Planning, or their nominated representative, in consultation with the Chair of Development Management Committee and the Local Members, to make representations and/or respond to consultations and engagement, from the Applicant and the Planning Inspectorate (including the Examining Authority) during all stages of the Development Consent Order process for the Xlinks Morocco-UK Power Project (excluding the submission of the Local Impact Report).
- (c) Delegates authority to the Director of Climate Change, Environment and Transport to permit the necessary Officers to attend the Preliminary Meeting, hearings, prepare and give evidence, as is required, during the examination of the Development Consent Order, as outlined in paragraph 4.12.
- (d) Delegates to the Deputy Director – Planning, or their nominated representative, the power to deal with post-decision matters (if the Development Consent Order is granted for the Xlinks Morocco-UK Power Project), including the determination of any Development Consent Order Requirements and any enforcement in respect of any Development Consent Order granted by the Secretary of State.

64 Lower Hare Farm, Whitestone: Judicial Review

The Committee considered the Report of the County Planning Manager (CET/24/83) relating to the background to a recent claim for judicial review of a decision by the County Council to discharge planning conditions relating to a waste management proposal at Lower Hare Farm, Whitestone.

The Report was requested by Councillor Hodgson in her supplementary question at the meeting of the County Council on 23rd May 2024 (minute 291).

Information was provided with an account of the outcomes of the claim; and steps that have been implemented to limit the risk of similar incidents and also on a subsequent claim for judicial review of the County Council's decision to issue a section 73 planning permission for the same site.

It was explained that on the first claim which related to discharging conditions on the original permission, the council had partially conceded and agreed to contribute some costs as set out in the Report.

The second claim against section 73 planning permission was unresolved and awaiting High Court decision.

The Report was noted.

65 **Schedule of planning applications**

The Committee received and noted the report (CET/24/84) on action taken under delegated powers.

66 **Schedule of consultation responses**

The Committee received and noted the report (CET/24/85) on corporate responses on strategic planning applications sent to the relevant district councils.

The County Planning Manager informed the Committee that this information would now be brought to future meetings following a recent audit inspection which made this suggestion.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.35 pm