

## Arron Beecham

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**From:** Heather Nesbitt  
**Sent:** 14 November 2024 13:43  
**To:** Arron Beecham  
**Subject:** Planning Enforcement update Red Linhay

Dear Arron

Please find below an update on enforcement investigations at Red Linhay.

Current formal action;

A BCN was served upon John Clapp on 22 July 2024 reference condition 9(iii) of the permission 17/01142/FULL. This condition stated that;

“A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The Log book shall record name of farm, plot, supplier, number and gross and net weight of vehicles along with date and time of feedstock delivery / digestate distribution.”

Whilst the logs were returned the day before the compliance due date, the logs returned were not acceptable as they were not full logs. For example, farm, plot and supplier details were missing and dates did not correlate as per the requirements of the condition. The owner was given a further attempt to supply full logs. New logs were submitted on 15 October. These logs were also incomplete. However, the logs returned were for feed stocks for a 500kw AD Plant and we know that there is at least a 1.1mw AD plant installed. As such, we are considering criminal proceedings against the owners for failing to comply with the breach of condition notice.

### Further investigations

I cannot go into full details on the current on-going investigations at the site as they are not in the public domain and could not be disclosed at a Public Inquiry. However, I can state that there are live investigations into the following breaches of conditions;

#### **17/01142/FULL & 22/00868/MFUL -**

Conditions;

2. The development hereby permitted shall be carried out in accordance with the approved plans in the schedule on the decision notice.

4. All works and operations shall take place in accordance with the Operational Traffic Management Plan in the agreed parameters as set out under condition 4 of 16/01180/FULL.

The date the plant first became operational ("Operational" shall mean the first production of electricity to be exported to the grid which has been confirmed as 1st June 2017).

9. i) The feedstock and approved quantities for the anaerobic digester shall be slurry (2,000 tonnes), farmyard and chicken manure (3,000 tonnes), grass and arable crops (8,925 tonnes) only, originally sourced from the sites named in Transport Statement(s) of this application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 1-13 41.48ha, Maunders 7.71ha, Wellington 23.55ha and Blocks A 19.92ha and B 96ha and shown on plans/aerial photos, Drawing numbers 13425/T04 Revision A 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015 under application 15/01034/MFUL and Drawing 3 set out in the approved transport statement date stamped

15th August 2017 and

ii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in the Transport Statement of this application Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 1-13 41.48ha, Maunders 7.71ha Blocks A 19.92ha and B 96ha only and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015 under application 15/01034/MFUL and set out in the approved transport statement date stamped 15th August 2017.

iii) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. The Log book shall record name of farm, plot, supplier, number and gross and net weight of vehicles along with date and time of feedstock delivery / digestate distribution. – prosecution.

iv) No other sites are to be utilised for either feedstock source or digestate destination. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.

v) Records of feedstock input into the digester by weight from the hopper (triolet) shall be kept and submitted to the Local Planning authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

20. The permission hereby granted is for a 500kw anaerobic digester only. Power generation from the development shall not exceed 500kw averaged over a quarterly period (such quarterly period to commence from the first Feed In tariff submissions and continue thereafter). Such records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.

## **22/00665/MFUL - Retention of silage clamp and erection of roof over**

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

3. Within 3 months of the date of this permission there shall have been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within the next available planting season (from the date of this permission). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained. ( the Planting Season runs from November to March).

4. Within three months of this decision a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of the following:

- (a) Retained Ecological and Landscape Features PEMFUZ
- (b) Proposed Habitats, Ecological and Landscape Features including length, height, width and specification of the new hedgebank around the perimeter of the silage clamp
- (c) Habitat and landscape Management Measures for the lifetime of the development
- (d) Demonstrate a biodiversity net gain using the Natural England metric
- (d) Monitoring and Review of Plan.

The development shall not be carried out other than in accordance with the approved details and planted up within the next planting season.

5. Prior to its use in the development, colour details of the box profile sheeting hereby approved shall be submitted to and confirmed in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Condition 3, 4 and 5 have not been discharged. In relation to condition 5, the development is in use.

Clearly the permission is for a 500kw AD Plant and one at least double the size has been installed which is a breach of the condition and something we are pursuing and already in talks with the councils legal department to move forward. This is evidenced in the OFGEM REGO certificates and also by way of admission in publicly available publications and also by the owners in that they have been stating they would be submitting a planning application to regularise the breach. No such application has been forthcoming in over a year of them suggesting one would be.

Kind regards

Heather

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