

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the GRAND WESTERN CANAL JOINT ADVISORY COMMITTEE held on 4 October 2022 at 7.00 pm

#### JAC Members Present:

Cllr C R Slade	Devon County Council (Chairman)
Cllr R F Radford	Mid Devon District Council (Vice Chairman)
Cllr Mrs C Collis	Mid Devon District Council
Cllr L Cruwys	Mid Devon District Council
Cllr Mrs C P Daw	Mid Devon District Council
Cllr Mrs S Griggs	Mid Devon District Council
Cllr J Norton	Mid Devon District Council
Cllr K Browse	Halberton Parish Council
Cllr J R Rendle	Tiverton Town Council
Cllr D Cutts	Sampford Peverell Parish Council
Mr P Brind	Tiverton Canal Company
Mrs P Brind	Mid Devon Moorings
Mr Peter Burgess	Devon Wildlife Trust
Mr John Hampshire	Cycling UK
Mr R Hodgson	Friends of the Grand Western Canal
Mr Dion Howells	Community Patrol Boat
Mr G Moore	Canal Business Group
Mr A Pilgrim	Holcombe Rogus Parish Council
Mrs J Pilgrim	Inland Waterways Association
Mr P Saupe	Tiverton Unit Sea Cadets
Mr M Trump	Tiverton and District Angling Club

#### Officers:

Mr Richard Walton	Public Rights of Way and Country Parks Manager, DCC
Mr M Baker	Country Park Manager, DCC
Mr S Scriven	Parks and Open Spaces Officer
Mr Andrew Seaman	Member Services Manager, MDDC
Mrs S Lees	Member Services Officer, MDDC

#### 1 Election of Chairman

**RESOLVED** that Cllr C Slade be elected Chairman of the Committee for the municipal year 2022/2023.

(Proposed by Cllr R F Radford and seconded by Mr Peter Saupe)

#### 2 Election of Vice Chairman

**RESOLVED** that Cllr R F Radford be elected Vice Chairman of the Committee for the municipal year 2022/2023.

(Proposed by Cllr Mrs C Collis and seconded by Mr Peter Saupe).

### 3 **Apologies**

Apologies were received from:

- Cllr Andrea Davis
- Ray Jones
- Trevor White

### 4 **Public Question Time**

Mr Paul Elstone asked the following questions:

Before I ask my questions, allow me to introduce myself.

I am a Tiverton Town Councillor for the Lowan Ward – The ward closest to Red Linhay.

I live on Blundells Road and therefore am witness to the excesses of Red Linhay more than many if not most.

Given the questions I am going to ask I need to set some important context. This by validating things said.

I am a member of a multi-disciplined team made up of Farmers, Environmental and Energy Specialists, Accountants, and Councillors of various political persuasions who have been investigating Anaerobic Digester operations across Mid and East Devon for nearly 3 years.

I personally met twice with Neil Parish in his DEFRA Role and along with two others to provide evidence. This in support of him raising AD plant operating issues with the Secretary of State for the Environment, Food and Rural Affairs. Additionally in preparing a case for matters to be brought before a Parliamentary Select Committee at his suggestion.

#### **QUESTION 1.**

Are the Committee Members aware that the MDDC Planning Officer has recommended approval of the massively oversized silage clamp and an application coming before MDDC Planning Committee tomorrow. That in doing so the Planning Officer says there will be little or no impact on the local environment or road network?

#### **QUESTION 2.**

Is this committee aware that the silage clamp will contain enough silage to feed the registered herd of 17 Charolais cows and 23 calves born since 2020 for around 45 years assuming a 6 month indoor outdoor feeding cycle.

That the silage clamp will take around 500 18 ton loads of grass silage delivered by tractor to fill. That the Planning Officer has stated that there will be no additional impact on the road network as a result?

#### **QUESTION 3.**

Is this committee aware that when MDDC agreed the AD Plant Transport Plan as a condition of the application approval, a plan that not only defined agreed transport routes but which also stated there would be 748 loads per year of either feedstock or digestate over the year, that 264 of these loads would be on farm only?

Red Linhay weighbridge data shows that over the period August 2021 to August 2022 there were 3,972 loads passing across the Red Linhay weighbridge or 3,231 more than the planning application said there would be.

To indicate further concerns about Red Linhay in detailed checks of Red Linhay weighbridge data in a previous year and data provided BY Red Linhay to MDDC has revealed that Invalid Carriages, Quad Bikes, Ford Escorts and Mercedes Cars have all transported 25 ton loads of feedstock to Red Linhay and many times.

#### **QUESTION 4**

Is this committee aware that the transport route plan has the Blundells School Campus out of bounds given its over 3000 pupil road crossings per day. Despite this over 200 tractor movements per day and related to Red Linhay have been witnessed and routinely.

**Similarly Halberton High Street has been witness to over 200 tractor movements per day.**

#### **QUESTION 5**

Is this committee aware that the Anaerobic Digester is producing over twice as much electricity as the planning condition permits Figures from OFGEM month on month over 1000 Kilo watts per hour exported yet planning condition is for 500 kilo watts per hour produced. This in part explains the high tractor movements.

This gross over production was reported to MDDC Executive Officers and in a face to face meeting several months ago but so far no evidence of any enforcement action is in evidence.

#### **QUESTION 6**

Are the committee aware of the extent of the Red Linhay transport movements in Mid Devon and up to over a 20 mile radius which cover the following locations. Most of which the Red Linhay planning approval Transport Statement does not permit:

Tiverton - including Blundells School Campus

Bolham, Halberton, Willand, Cullompton, Uplowman, Craze Lowman, Sampford Peverell

Holcombe Rogus, Wellington, Bickleigh, Rewe, Crediton, Copplestone and Bow

- Amongst others

In response the Chairman stated that none of the questions were within the remit of the JAC to reply to. The Committee could only comment on issues as they affected the Canal. The questions were better addressed to the Planning Enforcement team or the Planning Committee itself. He also confirmed that the JAC had already made a representation regarding this site.

Note: Cllrs Mrs C Collis, L Cruwys and R F Radford declared personal interests as they were members of the MDDC Planning Committee.

## 5 Minutes

The minutes from the meeting held on 1 March 2022, having been previously circulated, were approved as a correct record.

## 6 Matters Arising

There were no matters arising in relation to the minutes of the previous meeting.

## 7 Chairman's Announcements

The Chairman thanked Cllr R F Radford for Chairing the Committee during the previous year. He also thanked the Country Park Manager and his team for the continuous upkeep of such a beautiful canal. They were to be congratulated.

## 8 Terms of Reference and membership review

Members considered the Terms of Understanding \* and membership of the Committee.

**RESOLVED** that the Terms of Understanding and membership of the Committee be agreed.

(Proposed by the Chairman)

Note: (i) Cllr Adam Pilgrim requested that his abstention from voting be recorded.

(ii) \* Terms of Understanding and membership previously circulated; copy attached to the signed minutes.

## 9 Progress Report

The Committee had before it, and **NOTED**, a Progress Report from the Country Park Manager summarising the work that had taken place on the Canal since the last meeting. A brief discussion took place regarding the following issues:

- The landing stage at East Manley was now much safer for horse drawn barge passengers and other canal users. It had become potentially dangerous in terms of being a trip hazard.
- Halberton Parish Council had recently agreed to pay for the replacement of two bridge name plates within their parish.
- Memorial benches needed to be sensibly spaced along the whole length of the Canal. The Tiverton end was now at its limit.

## 10 Update on the Community Patrol Boat

The following update was provided regarding the Community Patrol Boat:

- It had been a good year with two more volunteers being recruited meaning that there was now 4 in total.

- A number of repairs to the boat had been successfully completed
- The Facebook profile had expanded.
- Office space was going to be provided by a new shed beside the Rangers workshops and a laptop was going to be provided by the Police which would be very useful.

The Chairman requested that the thanks of the JAC be conveyed to the Community Patrol Boat crew.

## 11 **CSAS Powers update**

The following update was provided:

- The Committee were reminded that CSAS stood for 'Community Safety Accreditation Scheme'.
- A logo for the Accredited Police Volunteers scheme (a scheme similar to CSAS which the Community Patrol Boat volunteers were applying for) was waiting to be signed off by the Chief Constable.
- The aim was to build a better relationship between the canal team and the Police.
- One power would be for the canal team to be able to take action if there was a failure by someone suspected of an offence to provide their name and address.
- The new powers would also provide a better pathway for enforcing bylaws.
- Those responsible for using the new powers needed to undergo a certain amount of training.
- Once the CSAS and APV accreditation had been confirmed it would be well advertised within the media.

## 12 **Water Transfer System from Fenacre Brook to the Canal**

The Country Park Manager provided the following update on the Fenacre Water Transfer System:

- There had been no progress by Aggregate Industries (AI) on this matter since the last JAC meeting. At that meeting it was reported that a full application for a water resources transfer licence was about to be submitted by the Environment Agency (EA) and they would assess it.
- AI's Permitting Manager had warned that applications could sometimes sit with the EA for months or even years due to a backlog of work.
- Several attempts were made to check on progress with the application to AI and their consultants and eventually information was received that the application had not been submitted.
- It was felt that AI were potentially in breach of their S106 obligations, however, AI responded to this by stating that they felt they had broadly complied with the terms of S106 by submitting a Water Abstraction Licence application to the EA in November 2020.
- A meeting was held with the DCC Chief Planner last week where it was stated that any action DCC could take against AI for failure to comply with the S106 would need to proceed through the Magistrates Court after careful

assessment. He felt discussions with AI at a higher level could provide an alternative route to achieving the desired outcome.

- It was suggested that the Chair of the JAC write to the DCC Chief Planner with the views of the Committee and the Chief Planner would do his best to move the matter forward.

Discussion took place regarding:

- The Chairman was very happy to work with DCC to progress this matter.
- It was vital that there was a better system of harnessing the water when it was available. The future of the Canal depended on it.
- The frustration felt by Committee members that this had been going on so long and was still not resolved.

The Chairman concluded the discussion by stating that he, the Vice Chairman and Cllr Andrea Davis would pursue the matter on behalf of the JAC.

### **13 Anaerobic Digester Plant at Crownhill**

The Chairman stated that discussion regarding this item had already taken place under Public Question Time.

It was confirmed that the silage clamp application would be brought before the MDDC Planning Committee the following day.

### **14 Signage on the canal**

Cllr Mrs C Daw had requested that this item be brought before the JAC as she felt that there was no signage promoting the fact that the Canal had the last horse drawn barge in the south west and was a heritage site despite being the jewel in the crown of the local area.

Discussion took place with regard to:

- The popularity of the horse drawn barge which had increased since the pandemic. It was a living heritage attraction.
- There were brown signs but they just said 'Grand Western Canal'.
- Brown signs were the responsibility of Devon County Council Highways.
- Contact could be made with the MDDC Economic Development team who had responsibility for promoting businesses within Mid Devon and they may be able to help.
- A caveat was provided by the Country Park Manager who supported the proposal for better signage but pointed out that brown signs were supposed to be just for way finding, they were not meant to promote businesses and DCC Highways staff responsible for their provision had to act within strict rules. The location of any new promotional signs beside the junction of Old Road and Great Western Way may have road safety implications and therefore needed careful thought. There was however a nearby example showing that such promotional signs are possible – that being the Tiverton Hotel sign on the verge opposite the hotel.

The Chairman requested that he be sent an email with supporting evidence which he would then be able to use to speak to the relevant highways officers. There may also be an opportunity for himself and the Vice Chairman to use their Locality Budgets (as County Councillors) once they became available again.

## 15 **Concerns about member involvement outside meetings**

Cllr Adam Pilgrim had requested that this item be placed on the agenda for the following reasons:

- Over the last year some discussion had been stifled by some members having to declare interests as sitting members of the MDDC Planning Committee.
- There was very little response to his regular planning bulletins.
- The site visit in the summer had been poorly attended.
- Was it possible to appoint representatives to the Committee with the minimum number of declarable interests?
- Fears for the representation on the Committee in the future as some of the expertise may be lost.

Consideration was given to:

- The Committee did respond when matters were controversial.
- Elected Members sitting on the Planning Committee were bound by regulation.
- This issue could be taken back to Parish Councils where alternative representation could be sought.
- All organisations represented on the Committee were encouraged to consider this issue.
- It was confirmed that no deputies were permitted for elected MDDC and DCC Members.
- There could be a benefit to the JAC in having Planning Committee members among their ranks in that they heard and were able to take into consideration the JAC's views on matters when discharging their planning committee duties.

## 16 **Any other business**

An idea had been suggested by David Poxon, former Head Horseman of the Tiverton Canal Company that a raft race event be held on the Canal. Many years ago Tiverton had hosted a raft race on the River Exe and it was felt to be a huge loss when it had stopped. A raft race in the Canal Basin or along a longer length of the Canal would be a popular and enjoyable event and would provide an opportunity to raise some money for charity. Both ideas received support, perhaps in alternate years?

The Country Park Manager informed the Committee that he had spoken to David and also a member of the Rotary Club and they were keen to work together. The Sea Cadets would also be willing to help with an event in the Canal Basin.

It was suggested that a working group be set up to progress some of the ideas being raised and this had the support of the Committee. Volunteers to the working group included Robert Hodgson, Cllr Les Cruwys and Dion Howells. Phil Brind and Pat Brind would also be involved.

**17 Identification of items for the next meeting**

It was requested there be an update on the signage situation at the next meeting.

**18 Date of next meeting**

The date of the next meeting was agreed as Tuesday 7th March 2023 at 7pm.

(The meeting ended at 8.30 pm)

**CHAIRMAN**