

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the GRAND WESTERN CANAL JOINT ADVISORY COMMITTEE held on 3 October 2023 at 7.00 pm

#### JAC Members Present:

Cllr L Cruwys	Mid Devon District Council (Chairman)
Cllr C R Slade	Devon County Council (Vice Chairman)
Cllr K Browse	Halberton Parish Council (online)
Cllr S Bush	Tiverton Town Council
Cllr A Davis	Devon County Council (online)
Cllr G DuChesne	Mid Devon District Council
Cllr B Fish	Mid Devon District Council
Cllr L Kennedy	Mid Devon District Council
Cllr A Pilgrim	Holcombe Rogus Parish Council
Cllr R Radford	Devon County Council
Cllr J Wright	Cabinet Member for the Environment
Mr P Brind	Tiverton Canal Company
Mrs P Brind	Mid Devon Moorings
Mr P Burgess	Devon Wildlife Trust (online)
Mr R Hodgson	Friends of the Grand Western Canal
Mr R Jones	Devon Bird Watching and Preservation Society
Mrs J Pilgrim	Inland Waterways Association
Mr M Trump	Tiverton and District Angling Club
Mr T White	Friends of the Grand Western Canal

#### Officers:

Mr M Baker	Country Park Manager, DCC
Mr S Densham	Land Management Officer, MDDC (online)
Mrs A Howell	Democratic Services Officer, MDDC
Mrs S Lees	Democratic Services Officer, MDDC

#### 1 Election of Chairman for 2023/2024

**RESOLVED** that Cllr L Cruwys be elected Chairman of the Committee for the municipal year 2023/2024.

(Proposed by Cllr A Pilgrim and seconded by Mr P Brind)

#### 2 Election of Vice Chairman for 2023/2024

**RESOLVED** that Cllr Colin Slade be elected Vice Chairman of the Committee for the municipal year 2023/2024.

(Proposed by Mr P Brind and seconded by Mrs J Pilgrim)

### 3 **Apologies**

Apologies were received from:

- Cllr Jane Lock
- Peter Saupe
- Richard Walton
- Cllr Lewis Worrow

### 4 **Public Question Time**

Mr Paul Elstone, a Tiverton resident and canal user asked the following questions:-

My question relates to Agenda Item 13 – Impact on Planning Enforcement Activity.

#### **Question 1**

To set some context.

It is becoming evident to anyone who uses the Grand Western Canal for any form of recreation that increasing industrialisation as opposed to farming activities is occurring in close proximity to the Country Park

Industrialisation that is having not only noise, noxious odour dust impacts plus road infrastructure and safety risk but which has the potential for wider and severe water coarse pollution including the Rivers Exe, Lowman and Culm or the canal itself. This as a result of highly toxic products being produced.

In addition, a shooting range currently going thru MDDC planning process at Holcombe Rogus and in close proximity to the canal a range that data shows over 113,000 rounds of ammunition fired in 2021 and against 400 rounds in 2012. A number likely to very substantially increase.

Much of the impacts of these planning decisions to the local community and recreation users can be reduced by the application then compliance of planning conditions.

Concerningly, planning conditions are not being complied with and with no evidence of enforcement. Especially it seems when large financial interest is involved.

As an example, planning condition breaches alleged to be applicable to one site alone.

Over 200 heavy tractor movements are recorded as transiting the Blundells School Campus in a day. Today being a case in point This despite planning conditions that **TOTALLY PROHIBIT** this traffic.

Why is this happening?

It is alleged that:

The industrial unit is producing electricity for export at over twice consent with massive financial upsides.

Using unapproved land areas for feed stock

Using unapproved land areas for digestate spreading.

Grossly exceeding tonnages for feedstock and digestate resulting in around over 6 times as many stated tractor movements.

Not reporting production plant input data.

Not reporting barrier access or weighbridge data.

Silage not being used as prescribed.

All major breaches of planning consent.

All information known or available to the Planning Authority for several years yet no evidence of any enforcement.

My question and a question particularly directed to the various Councillors on this committee.

What can and will you do to put this situation to rights and as a priority?

The Chair advised that these issues would be addressed during discussion of Agenda Item 13 and that more specific questions would need to be addressed through Planning Officers and the Planning Committee.

## **5 Minutes of the previous meeting**

The minutes from the meeting held on 7 March 2023, having been previously circulated, were approved as a correct record.

## **6 Matters Arising**

There were no matters arising.

## **7 Chairman's Announcements**

The Chair had no announcements to make.

## **8 Canal Business Group Representation**

Mark Baker, DCC Country Park Manager informed the Committee that Graham Moore, owner of The Globe Inn, had sadly passed away and that there was currently no representation from the Canal Business Group.

He advised the Committee that they may wish to consider setting conditions in the form of letter or minutes from a meeting to ensure it is represented correctly and that a place was earned on this Committee.

The Committee agreed that it was helpful to have business representation but that that business needed to represent all businesses and not just their own.

It was therefore **AGREED** to continue with a representation from the Canal Business Group and that the Country Park Manager would look into this further to assess if there was any interest from the businesses along the canal. He would then inform the Committee of who had been contacted and the responses received.

## 9 **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 and seconded by Cllr A Pilgrim)

Note: \* Terms of Understanding and membership previously circulated; copy attached to the signed minutes.

## 10 **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:

### **Towpath Resurfacing**

Cllr C Slade thanked the team for their work and the considerable improvements carried out.

### **Flooding at Lowdwells**

The culvert was currently in the process of being cleaned and repaired which would reduce blockages and prevent further damage.

### **Invasive Plant Species**

The invasive Water Fern which was forming in various parts of the canal but which would be dying off in the autumn.

Note: \* Report previously circulated

## 11 **Draft Memorial Bench Policy**

The Committee had before it the draft Memorial Bench Policy \*. It had been asked to consider the draft policy with a view to endorsing it subject to any agreed amendments.

The Country Park Manager explained that there was a trend for memorial benches to be decorated with flowers, plants and other adornments.

There was a need for a consistent approach to the provision of memorial requests and the policy would provide controls on the locations, designs and decorations that were acceptable.

It was appreciated that this would be a sensitive issue and to therefore have a provision within the policy to allow flowers to be left to mark two significant dates each year.

Consideration was given to:

- The sensitivity of the issue but that the memorial benches were not a graveyard.
- The wrappings that were left behind after the flowers decomposed and also that the wrappings would often frighten the horses.
- The frequency of occasions that should be permitted to allow donors to leave flowers.

It was therefore **AGREED** to support the recommendation for the policy to be adopted and to include two significant dates per year for the anniversary of the death and birthdays for flowers to be left a week either side of those dates. They must not be wrapped in plastic and must be collected within one week.

Note: \* Report previously circulated

## 12 **Update on the situation regarding Aggregate Industries**

The following update was provided regarding the situation with Aggregate Industries:

Cllr C Slade informed the Committee that he had written to the Head of Planning but had not yet received a response. He had also been chasing Aggregate Industries but to no avail.

Consideration was given to:

- The importance of this being resolved and that Devon County Council were legally obliged to resolve this for the benefit of the canal.

It was therefore **AGREED** that the Chairman would write to Devon County Council's Chief executive and Leader to ascertain progress and that Cllr A Pilgrim would attend an upcoming Quarry Liaison meeting to seek reassurance that Aggregate Industries would be pursuing this also.

### 13 **Impact of Planning Enforcement activity**

The JAC had been asked to consider asking Mid Devon District Council's Chief Executive to explain the impact and implications of the shortfall in Enforcement Activity when Planning Conditions were breached.

- Cllr A Pilgrim asked for clarity on who was responsible for dealing with this as Mid Devon District Council had advised that they cannot do anything about this.
- Cllr L Cruwys informed the Committee that the Planning Department were desperately short of Enforcement Officers.
- Cllr G Duchesne informed the Committee that there was currently only one enforcement officer and that work was being prioritised. The recent recruitment drive had no applicants apply.
- Cllr A Glover had received an email from Aggregate Industries (AI) today. She suggested putting any concerns in an email to her directly as she would be arranging a site visit.
- Mark Baker advised the Committee that as it was Section 106 then the enforcement was different from Planning and that Devon County Council would have to take AI to court.
- A comment was made about changes to the 5-year rule with regard to the requirement for planning permission.

It was **AGREED** that the Clerk would try to ascertain when the previous Section 106 agreement had expired and when the current one was agreed.

### 14 **50th anniversary of the horse drawn barge**

Mr P Brind, the owner of the Tiverton Canal Company, explained that it was a momentous occasion to be celebrating 50 years. There were currently only two horse drawn barges in England and Wales.

The goal was to celebrate and bring attention to the beautiful canal and Tiverton town. He informed the Committee that there would be a dignitary trip for all Councillors in the season – possibly the end of May and also wished to ask the Committee to share any ideas for celebrating with the official anniversary date being 16 July 2024.

Cllr C Slade suggested organising something for the day of the anniversary and to hold good advertising campaigns on social media and to maybe produce a booklet of activities. He also suggested speaking to the Museum to have an exhibition and advised making contact with the Curator.

Cllr G Duchesne suggested setting up a Sub Committee to put forward ideas and work alongside businesses to really promote Tiverton and attractions such as this.

Cllr S Bush suggested speaking to the Town Centre Manager to help promote any events and encourage Devon County Council to get involved in order to gain media attention.

**15 Any other business**

Mr P Brind informed the Committee that he would be selling the Ducks Ditty café/bar due to wanting to dedicate more time to the horse drawn barge and would like to sell it to someone that could run it as a proper bar.

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

It was requested that the following be on the agenda for the following meeting:

- Aggregate Industries (this would be a standing item on the Agenda until the issues were resolved).
- Planning Enforcement and to report back on any updates following a letter from the Chairman to Corporate Manager for Revenue, Benefits, Corporate Recovery, Planning (DM), Corporate Fraud, Welfare and Leisure, and possibly the Development Management Manager and the Director of Place.

**17 Date of the next meeting**

The date of the next meeting was **AGREED** as Tuesday 5 March 2024 at 7pm.

(The meeting ended at 20:20)

**CHAIRMAN**