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A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 18 December 2024 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 19 February 2025 at 6.00 pm]

Please Note: this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be Hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting online, click here](#)

Meeting ID: 381 423 807 861
Passcode: MENeBW

STEPHEN WALFORD
Chief Executive

10 December 2024

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

1 Apologies

To receive any apologies for absence.

2 Public Question Time

To receive any questions and or statements relating to any items of the Council powers/ duties or which otherwise affects the District and items on the agenda from members of the public.

3 Declarations of Interest under the Code of Conduct

To record any interests on agenda matters.

(All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the motions:- Women on State Pension Inequality)

4 Minutes (Pages 11 - 36)

To consider whether to approve the minutes as a correct record of the meeting held on 30 October 2024.

5 Chair's Announcements

To receive any announcements which the Chair of the Council may wish to make.

6 Petitions

To receive any petitions from members of the public.

7 Notices of Motions

1. Motion 605 (Cllr Martin Binks)

The following motion had been referred to the Planning, Environment and Sustainability Policy Development Group for consideration and report:

a) Mid Devon District Council recognises and notes the huge

contribution made by our farmers, growers and the drink industry to the local economy, environment, and rural economies.

- b) Mid Devon District Council commits to further enhancing our partnerships alongside our arable, livestock and dairy farmers to enhance our beautiful countryside.
- c) Mid Devon District Council also commits to supporting our local farmers and growers and the food and drink sector by, where possible, ensuring that all food and drinks provided at council organised events is sourced from local suppliers, to always include meat and dairy as well as plant-based produce.
- d) As part of tackling the environmental priorities for Mid Devon District Council; the Council will consider ways to encourage our residents, where possible, to shop locally, taking full advantage of home-grown. Affordable and nutritious produce, including meat, dairy and plant-based options, thus reducing food miles to our tables and boosting the economy.

The Planning, Environment and Sustainability Policy Development Group at its meeting on 26 November 2024 considered the Motion and following discussion, Councillor M Binks in accordance with Procedure Rule 13.7 agreed that the Motion be amended to read:

- a) Mid Devon District Council recognises and notes the huge contribution made by our farmers, growers and the food and drink industry to the local economy and environment.
- b) Mid Devon District Council commits to further developing our partnerships with key organisations alongside our arable, livestock and dairy farmers to enhance our beautiful countryside.
- c) Mid Devon District Council also commits to supporting our local farmers, growers and the food and drink sector by, where possible, ensuring that all food and drink provided at Council organised events is sourced from local suppliers, to include meat and dairy as well as plant based produce. Efforts will also be made to promote locally sourced or produced organic items.
- d) That the Council encourages and promotes local suppliers and locally produced products in other events hosted within Mid Devon.
- e) As part of tackling the environmental priorities for Mid Devon District Council and fulfilling our biodiversity duty, the Council will consider ways to encourage our residents to shop locally, taking full advantage of home-grown, affordable and nutritious produce, including meat, dairy and plant based options, thus reducing food miles to our tables and boosting the local economy.

2. Motion 606 (Cllr S Robinson)

The following motion had been referred to the Community, People and Equalities Policy Development Group for consideration and report:

Motion: Women against State Pension Inequality (WASPI)

Council is asked to note that:

In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.

- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. 14,350 of the affected women live in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) has found the Department for Work and Pensions (DWP) to have committed maladministration through its failure to adequately communicate State Pension age increases to women born in the 1950s.
- The PHSO has concluded the DWP should apologise to women affected and pay compensation as a result.
- The DWP has refused to accept the findings of the PHSO, which has now led the independent watchdog to lay its findings before Parliament, encouraging MPs to intervene to deliver a remedy to affected women.
- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that "the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice (£10,000) is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice."
- As of April 2024, more than 275,000 have died waiting for justice since the WASPI campaign began in 2015.

Council is asked to consider that this injustice has not only had a profound effect on the individuals involved, but on the wider community in Mid Devon and on local government, not least because:

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care.
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally.
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock.
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who

would otherwise have been able to retire from full-time work as planned.

- Our local economy is negatively affected by the reduced spending power and disposable income that the uncommunicated State Pension Age changes have brought about among women born in the 1950s.
- Local tourism has suffered as a result, with affected women unable to travel to the area for holidays.

Council is asked to support:

- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- The WASPI campaign and All Party Parliamentary Group's calls for an immediate one-off compensation payment at category 6 injustice on the PHSO's financial remedy scale (£10,000) to those affected.
- The PHSO's recommendation for the DWP to issue a formal apology to those affected and provide an opportunity for MPs to urgently debate the APPG's recommendations, and any others, in Parliament.

We therefore ask:

The Leader of the Council to write to the 3 local Members of Parliament, the Secretary of State for Work and Pensions and the Leader of the House of Commons to outline the effects of the injustice on a significant number of women born in the 1950s in Mid Devon and to seek the following:

- Urgent delivery of proposals from the DWP, outlining how they will deliver compensation for affected women, to include the value of compensation and a timeline for the delivery of said compensation.
- For all MPs to be given an opportunity to debate and vote on these proposals.

The Community, People and Equalities Policy Development Group at its meeting on 3 December 2024 considered the Motion and following discussion, Councillor S Robinson in accordance with Procedure Rule 13.7 agreed that the Motion be amended to read:

In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.

It is believed that c11,800 woman were affected by this change within

the area of Mid Devon of which c800 have since died.

Council believes:

This injustice has not only had a profound effect on the individuals involved but on the wider community in Mid Devon and on local government, not least because:

- Some women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care.
- Some women who would have retired and chosen to engage in caring responsibilities for grandchildren, are having to continue working, increasing the childcare burden on the state locally.
- Some women have been left in poverty, are struggling to meet their housing costs, with a knock-on impact on local housing stock.
- The cut to the Winter Fuel Allowance will only amplify problems for many of these women.
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes have brought about among women born in the 1950s.

Council supports:

- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The conclusion of the All-Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- The PHSO's recommendation for the DWP to issue a formal apology to those affected and provide an opportunity for MPs to urgently debate the APPG's recommendations, and any others, in Parliament.

Council asks the Leader of the Council to write to:

1. Local Members of Parliament to raise awareness also referring to the 'PHSO' investigation and recommendations.
2. The Secretary of State for Work and Pensions to request urgent proposals from the DWP outlining how they will deliver compensation for affected women.
3. The Leader of the House of Commons to outline the effects of the injustice on 1950s women in Mid Devon and to request that MPs be given an opportunity to debate and vote on these proposals."

8 **Reports of the Minutes of the meetings held between the 15 October 2024 to 10 December 2024**

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

Cabinet- Reports of the Minutes of the meetings held on 12 November 2024 and 10 December 2024 (Pages 37 - 286)

12 November 2024
(Recommendation to Full Council)

1. The Grand Western Canal Conservation Area Appraisal and Management Plan.

Cabinet **RECOMMENDS TO FULL COUNCIL**

The Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed amendments to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and used to assist in the process of determining planning applications and for implementing management proposals be formally **ADOPTED**.

2. 2024/2025 Quarter 2 Treasury Management Report

Cabinet **RECOMMENDS TO FULL COUNCIL**

A continuation of the current policy outlined at paragraphs 4.0 – 4.5 be **AGREED**.

The changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current financial year at paragraphs 5.4 – 5.5 be **APPROVED**.

3. Tax Base Calculations

Cabinet **RECOMMENDS TO FULL COUNCIL**

That the calculation of the Council's Tax Base for 2025/26 in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,732.91 an increase of circa 510.81 Band D equivalent properties from the previous financial year be **APPROVED**.

That the current collection rate of 97.5% remain the same detailed in Section 2 be **APPROVED**.

The premium charges in 3.7 & 3.8. The premium element of 3.7 will be used to support additional housing activity/projects to be **NOTED**.

10 December 2024

Scrutiny Committee- Reports of the Minutes of the meetings held on 28 October and 25 November 2024 *(Pages 287 - 308)*

28 October 2024

25 November 2024

Audit Committee- Reports of the Minutes of the meetings held on 3 December 2024 *(Pages 309 - 316)*

3 December 2024

Economy & Assets Policy Development Group- Reports of the Minutes of the meetings held on 28 November 2024 *(Pages 317 - 322)*

28 November 2024

Home Policy Development Group- Reports of the Minutes of the meetings held on 19 November 2024 *(Pages 323 - 338)*

19 November 2024

(Recommendation to Full Council)

1. Appointment of Co-Opted Tenant Members.

Cabinet **RECOMMENDS TO FULL COUNCIL**

a) The appointment of three Co-Opted Tenant Members to sit on the Homes Policy Development Group until April 2027 be **APPROVED**;

b) Delegated authority be given to the Head of Housing and Health in conjunction with the Cabinet Member for Housing Assets and Property for the appointment of each Co-Opted Tenant Member.

c) Delegated authority be given to the Director of Legal, People & Governance (Monitoring Officer) to make the necessary amendments to the constitution, including the amendment to the scheme of Members Allowances to include a special responsibility allowance for this position(s).

Community, People and Equalities- Reports of the Minutes of the meetings held on 3 December 2024 *(Pages 339 - 348)*

3 December 2024

Planning, Environment and Sustainability Policy Development Group- Reports of the Minutes of the meetings held on 26 November 2024 (Pages 349 - 358)

26 November 2024

Service Delivery and Continuous Improvement Policy Development Group- Reports of the Minutes of the meetings held on 3 December 2024 (Pages 359 - 368)

3 December 2024

Planning Committee- Reports of the Minutes of the meetings held on 4 December 2024 (Pages 369 - 374)

4 December 2024

Standards Minutes- Reports from the minutes of the meeting on 11 December 2024. (Pages 375 - 402)

11 December 2024

(Recommendation to Full Council (subject to approval from Standards Committee))

1. DBS Checks for Members

Standards Committee **RECOMMENDS TO FULL COUNCIL**

- (a) DBS checks are mandatory for all Members from May 2027 onwards;
- (b) That any member can voluntarily have a DBS check from January 2025 until May 2027 when they become mandatory;
- (c) The Head of Housing & Health is delegated to make any necessary changes to the Corporate Safeguarding Policy and related DBS policy in conjunction with the Cabinet member for Quality of Living, Equalities and Public Health;

2. Government Consultation – Enabling remote attendance and proxy voting at Council meetings.

Standards Committee **RECOMMENDS TO FULL COUNCIL**

- (a) That the Council notes the Government Consultation; and
- (b) The Director of Legal, People & Governance (Monitoring Officer) be delegated to respond to the Government with the Councils response.

9 Schedule of Meeting for 2025/2026 (Pages 403 - 404)

To receive a report on Schedule of meeting 2025/2026 from the Director of Legal, People and Governance (Monitoring Officer).

10 **Member Allowances- Independent Remuneration Panel Report**
(Pages 405 - 438)

To receive a report on Member Allowances report of the Independent Remuneration Panel from the Director of Legal, People and Governance (Monitoring Officer).

11 **Team Devon Local Government Joint Committee**

That Council note the background report and agrees to the creation and formulation of the Team Devon Joint Committee as proposed in the [Devon County Council Report](#)

To agree the nomination of the Leader of the Council to be the council's representative on the Team Devon Joint Committee.

12 **Questions in accordance with Procedure Rule 11**

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

13 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency.

14 **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

15 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

Guidance notes for meetings of Mid Devon District Council

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting. Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.

- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called “turn on live captions” which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

MINUTES of a **MEETING** of the **COUNCIL** held on 30 October 2024 at 6.00 pm

**Present
Councillors**

G Czapiewski (Vice-Chair), C Adcock,
M D Binks, D Broom, E Buczkowski,
J Buczkowski, J Cairney, S J Clist,
L J Cruwys, G Cochran, C Connor,
F J Colthorpe, A Cuddy, J M Downes,
M Farrell, B Fish, M Fletcher, B Holdman,
S Keable, L G J Kennedy, L Knight, J Lock,
J Poynton, R Roberts, S Robinson,
A Stirling, L Taylor, H Tuffin, N Woollatt,
G Westcott, A White, J Wright and D Wulff

**Apologies
Councillor(s)**

N Bradshaw, G Duchesne and R Gilmour

**Also Present
Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)) and Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)) Laura Woon (Democratic Services Manager), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services and Policy Research Officer)

**Councillors
Online**

S Chenore, A Glover, C Harrower, M Jenkins, F W Letch,
and N Letch

Officers Online

Dean Emery (Head of Revenue and Benefits) Simon Newcombe (Head of Housing and Health) and Carole Oliphant (Housing Policy Officer)

221 **APOLOGIES**

Apologies were received from Councillors: N Bradshaw, G DuChesne and R Gilmour

222 **PUBLIC QUESTION TIME**

Goff Welchman

Question 1: Has a final decision been reached regarding the use for St George's Court?

Cabinet Member for Housing, Property and Assets:

Yes. St George's Court had been sold to the Council's Housing Service, Housing Revenue Account (HRA) for specific use as social housing within the Council housing stock. Please refer to minute 43 of the August 2023 Cabinet meeting <https://democracy.middevon.gov.uk/mgAi.aspx?ID=18034>

Question 2: What further work on that site is being or will be carried out?

Cabinet Member for Housing, Property and Assets:

External works to complete the final drainage connections, highways access, garden/other landscaping and additional works to ensure St George's Court was ready to let. Some internal works were to be completed to bathrooms within the blocks of flats and riverside fencing to meet Housing Revenue Account (HRA) adaptability/safety requirements and the local lettings plan for the development.

Question 3: What was the cost of that further work, and how would it be funded?

Cabinet Member for Housing, Property and Assets:

As some works were still ongoing a final cost for all the further work was not currently available. All works to complete the site and achieve a lettable standard were being met by the Council's general fund as a requirement of the Housing Revenue Account (HRA) acquisition of the site. The internal adaption works and fencing costs were being met the Housing Revenue Account (HRA).

Nick Quinn

Question 1: Had the Leisure VAT refund from HMRC, referred to in Council Motion 593, and been received yet?

Question 2: If so:

- a) When was this received?
- b) How much was received?

Cabinet Member for Service Delivery and Continuous Improvement gave a single answer to all his questions:

The Council had received the payments, the total of £3,149,619.03 paid in three instalments and included interest and the final payment was made in 31/08/2023.

Barry Warren

At Cabinet on 15 October 2024 the Medium Term Financial Plan in paragraph 2.6 were the words "Two further lines had possibly lowered in terms of deliverability – lines 25 and 31. Both relate to securing contribution from the Town or Parish Councils. To date, no proposals had been received but discussions were ongoing." In the table which follows the combined figures amount to £110 thousand pounds.

Question 1: What discussions were ongoing and with whom?

Statement:

There was a stated intention of this administration for a closer relationship with the Town and Parish Councils and the public. £6,000.00 had been allocated each year to appoint a Cabinet Member with a portfolio to achieve this.

There was a Town and Parish Charter which sets out apparent agreements. My own Parish Council raised issues with it which in the main were ignored or rejected. A meeting between Councillor DuChesne, myself and the Parish Clerk again raised issues some of which were turned down by the Monitoring Officer. Another issue over a planning application was raised and the response back from a Planning Officer was dismissive to say the least. There were other issues raised and in spite of the Cabinet Member and her supporting Officer taking them away no response had been received to all of them. These included incorrect invoices for services, including a red final demand. This had been repeated yet again this month. Incorrect information in a consultation document to name but a few. There was little or no enforcement been evidenced within the Parish.

Since the change of administration attendance by Ward Councillors at Parish Council Meetings was sparse, if at all, one of the Councillors was also a Parish Councillor but had a poor attendance record. We were not alone in this experience as we had heard from another Council this week who had not seen a Ward Councillor since the changes.

We had charges for play equipment inspections increased. Now we had been advised that some areas would be split into sections and the full charges made for each area rather than the whole field area. We had taken on responsibility for 6 of the Council play/recreational areas which were being refurbished in spite of only having 25 year leases. If the Council were trying to reduce their commitments they could transfer these areas over to the Parish totally.

Question 2: Was there a genuine commitment by this administration to engage?

A written response would be provided within 10 working days.

Paul Elstone

Question 1: Are Council Members aware that ZED PODs had never constructed or installed a modular development they had always subcontracted, which may go some way in explaining the grossly excessive cost being paid by this Council?

Question 2: Are members aware that it had so far cost the Council over £444,000 solely for the design and planning work for just one of the ZED POD's projects?

Question 3: Was the Council aware that the company who previously fabricated modules for ZED PODs entered administration last year, and with multi million pound debt. That the Administrator was attempting to recover substantial funds from the ZED POD shareholders?

Question 4 : Can it be fully explained why this Council had allowed the ZED POD to build the Shapland Place development in non-compliance with more than one of its own planning conditions?

Question 5: Given that Mr Elstone had the opportunity to examine drawings also take physical measurements of completed modules. Can it be fully explained how

this Council had allowed the ZED POD to build modular home developments, which fail to fully comply with the Government Nationally Described Space Standards?

If the Cabinet Member for Housing, Asset and Property wishes to challenge on this, Mr Elstone would be happy to visit, with him and Officers, to Shapland Place and St Andrews in order to validate my statement.

Question 6: Much had been made about the ZED POD modular build durability and Build offsite Property Assurance Scheme (BOPAS) Accreditation. A new company was now building modules for ZED PODs, in exactly the same location as the previous fabricator. Is this Council aware that there was evidence available to suggest that this company, who built the Shapland Place modules, was not BOPAS approved at the time?

Question 7: This Council had stated that the ZED POD's modules can be as good as or even better than conventional builds and have a lifespan of up to 120 years. However, the ZED POD BOPAS durability certificate is only for 60 years. It should be noted that probably one of the most important components of the build, the cladding, only had a warranty of 15 years.

Will the statement that the ZED POD's Modules can have a life of 120 years also that they can be better and more cost effective than equally energy efficient conventional build homes be fully validated?

Question 8: Given the serious nature of the questions in respect of this Council's partnership arrangement with ZED POD's, I believe there are compelling reasons for the Audit and/or Scrutiny Committee to undertake a root and branch investigation – Will they do just that?

Tim Bridger

Statement

The Leisure Centre pricing, the substantial price rises would be implemented from January as yet leisure centre members had not been informed how much, but going up significantly. Last year vulnerable members of the community who use the facilities were hit with a 13% increase in charges whereas other members were given a 6% increase. As a country in the grip of an obesity crisis where diseases are affecting normal people disproportionately, these are also impacting people from lower income and deprived groups. This Council had an opportunity to lower prices to make sure that many people as possible can use the facilities but instead raising the prices and in doing so families would be unable to afford the leisure centres because it would cost too much. Other services in the area were significantly less in membership fees and this Council is meant to be providing a public service.

Question 1: Why is this Council not providing this public service and working collaboratively with NHS in particular for those people who need the facilities and access them.

In relation to the drop in centre in the market place, community groups had tried to make progress for what it was designed as a space for community groups.

Question 2: Has any progress been made on this and would the Council retain it as a community asset.

Question 3: This Council are the land owners of where the area for the Boxing Day hunt event uses and would the Council be taking necessary measures of health and safety of those who would be attending? And would this Council be ensuring this event does not go ahead and comply with the Council standards?

The Chair advised that the questions would be answered in writing within 10 working days.

223 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare any interests when appropriate.

(All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the motions:- Women on State Pension Inequality and the Winter Fuel Allowance)

224 **PREVIOUS MINUTES OF THE MEETING HELD ON 04 SEPTEMBER 2024**

The minutes of the meeting held on 4th September 2024 were **AGREED** as a correct record and signed by the Chair.

225 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

- On the 29 September the Vice-Chair of the Council attended Exeter Cathedral and had a wonderful walk around.
- On the 13 October he attended the Mayor's Civic service.
- On the 20 October he attended his Civic service at St Paul's Church, it was a magnificent event and raised over £400 for Devon Young Carers and had received thanks from the Lord High Sheriff and members of the public for the event.

The Chair of Council invited the Vice Chair Cllr G Czapiewski to chair the meeting.

226 **PETITIONS**

Mr Bridger presented a petition with over 4000 signatures to the Chair of the Council and outlined the basis for the petition, stating:

The Grand Western Canal is the jewel in the crown of Mid Devon. It offers unique access to our beautiful countryside and is a haven for wildlife and nature. The canal route has been protected from development or encroachment for the past 30 years, and the tranquillity and biodiversity of this part of Devon has benefitted enormously.

Our elected Councillors at Mid Devon District Council want to end the protection for parts of the canal area, and to open the door for protected woodlands and open

areas to be developed for housing. A developer has already submitted plans for large-scale housing right next to the canal around Tidcombe Hall. These plans have previously failed due in large part to the Conservation Area designation.

Development here would hugely damage the biodiversity of the area, and impact tourism, health and well-being, and access to nature. We need our District Council to preserve the existing Grand Western Canal Conservation Area, and improve the biodiversity of the lands, not damage our beautiful countryside.

The residents of Tiverton and Mid Devon do not want to see the Grand Western Canal Conservation area altered or reduced.

The Council had claimed the intention was for a positive step in terms of safeguarding and protecting the canal. The Conservation area was an area that was protected by a series of buildings and planning restrictions to ensure the original character was either retained or improved and its importance to protect and to conserve its integrity.

The guidance was clear that conservation areas must be protected and enhanced by any review process and any review must be community led reflecting the importance of the area to the community and its uniqueness. The specialness was judged against local and regional criteria not national criteria. Locals and visitors were aghast at the idea that the Council, tasked to preserve the heritage assets for future generations, was seeking to undermine its protection rightly given to it all those years ago. Quoting legalisation to justify it was disingenuous and perverse, local authorities had a duty to review conservation areas from time to time but this should be done with a view to enhancing those areas.

Section 71 of the legalisation also states that the view of the public must be heard and that local authorities shall have regard to those views. Throughout the legislation, preservation and enhancement were the watch words. The guidance was clear that well managed conservation areas were a community asset; a good understanding of what makes them special, and active management once they were designated were key to their ongoing success.

It was clear to those using the areas slated for removal, Snakes Wood and Tidcombe Hall that this conservation area had been a success. The fields and woods forming the designated area made it special to locals, tourists and businesses.

The guidance also states that the historical aspect should not require a detailed account of the area's history but focus on what makes the area special and the impact of the history on its current character and appearance, there is emphasis on the sensory contribution to the character of the place and an aspect that many of the petitioners had reflected on. It also states that opportunities for greater public benefits, such as the improvement of public open spaces or community facilities should be delivered through the conservation of the area by expansion and not reduction.

The sole area that was mentioned in the guidance was where designated areas may no longer be justified through degradation of all or part of the conservation area. The special interest of areas may now be so eroded by piecemeal change or by single examples of poorly designed development, however, this was clearly not the case

here as the preservation of these areas from development had increased the special interest thanks for the flourishing flora and the opportunities for locals and visitors to visit the canal area and the nature it supports.

The timing of the review was curious, the reason that the Council had given for the justification of the review to the conservation area, was the Council claimed, that without a review, they would open the door to speculative applications of planners and developers to challenge. The petitioner had researched reviews of conservation areas and there were no similar challenges.

In summary of the 4000 plus signatures, the key point was, what was the point of declaring a conservation area and un declaring it, when it became inconvenient for an out of town property developer? It's an area of tranquillity, people use the land on a daily basis and he hoped that the Council would leave the canal conservation area in place.

The Leader of the Council responded:

The leader thanked Mr Bridger for presenting this to the Council this evening and for giving our committee officers advance notice of this and congratulated him for obtaining over 4000 signatures, however the officers had not had the time to validate all of the signatures as Mid Devon residents due to the late filing of the petition.

The Leader believed he could speak on behalf of every Member of this Council to say that at no point was the Council thinking about scrapping the Conservation Area. The title of the petition to 'Save the Grand Western Canal Conservation Area' was therefore misleading at best. In seeking to gain signatures, the petition used provocative and inaccurate phrases like 'opening up woodlands and open areas to be developed for housing'. So to that end, the Leader felt to clarify for the benefit of all those people who may have been convinced to sign this petition, a few facts that were conveniently omitted from the petition details:

- It was in fact a requirement in law that the Council reviewed its Conservation Areas, something that the petition organiser really ought to have been aware of.
- It was the Local Plan that allocated land use, not Conservation Areas, again something the petition organiser must surely have been aware of as the Town Council website listed him as sitting on their Planning Committee.
- The petition also sought to stoke fear and division in the community by referencing a controversial planning application that was in fact refused by this Council's Planning Committee, just as an earlier one had been 3 years ago. Although perhaps that reference to whip up support was not surprising since the petition was created before the Planning Committee had taken place, before the Grand Western Canal Joint Advisory Committee had met to discuss the Conservation Area review, before the two separate public drop-in events were held, and before the consultation was completed. Still, why let the facts get in the way of a good petition.
- From the feedback that had been received, both at the public drop-in events and through the discussion at the Grand Western Canal Joint Advisory Committee, the Council had heard multiple comments commending the openness and transparency around this process, and the clarity and explanation that has been provided. The Leader stated that he would like to

take this opportunity to thank all those who participated or got in touch with the Council as a part of this process.

- Nevertheless, despite the many misleading or inaccurate aspects put forward to try and gain support, he recognised this petition as securing a considerable number of signatures and therefore the Cabinet would of course consider the merits of this when the item came before Cabinet in November 2024. He thanked the organisers for presenting it to the Council at this time and would remind all Members that they were very welcome to attend the Cabinet meeting in November should they wish as could any members of the public.
- Petitions were encouraged, and the response now, should in no way to deter members of the public wishing to carry out their own for an issue that they were passionate about, but the Leader asked that full and accurate details were included in future petitions to allow the residents the opportunity to have the full details before adding their names.

Consideration was given to:

- It was the previous government who decided that all areas would be examined to see if they were still viable which was what had happened.

227 NOTICES OF MOTIONS

1. Motion 606 (Cllr S Robinson)

The Council had before it a **MOTION** submitted for the first time.

Motion: Women against State Pension Inequality (WASPI)

Council was asked to note that:

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8 million women born in the 1950s until 2012, giving some only 1 year's notice of a 6 year increase in their anticipated retirement age. 14,350 of the affected women lived in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) had found the Department for Work and Pensions (DWP) to have committed maladministration through its failure to adequately communicate State Pension age increases to women born in the 1950s.
- The PHSO had concluded the DWP should apologise to women affected and pay compensation as a result.
- The DWP had refused to accept the findings of the PHSO, which had now led the independent watchdog to lay its findings before Parliament, encouraging MPs to intervene to deliver a remedy to affected women.
- The All Party Parliamentary Group (APPG) on State Pension Inequality for Women had concluded that "the impact of DWP maladministration on 1950s-born women had been as devastating as it was widespread. The APPG believed that the case for category 6 injustice (£10,000) was overwhelming

and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice.”

- As of April 2024, more than 275,000 women had died waiting for justice since the WASPI campaign began in 2015.

Council was asked to consider that this injustice had not only had a profound affect on the individuals involved, but on the wider community in Mid Devon and on local government, not least because:

- Women who would have looked after older relatives or partners were unable to afford to do so, with a knock-on impact on local social care.
- Women who would have retired and engaged in caring responsibilities for grandchildren were having to continue working, increasing the childcare burden on the state locally.
- Women who have been left in poverty were struggling to meet their housing costs, with a knock-on impact on local housing stock.
- There was a broader impact on voluntary services of all kinds locally, which were missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- Our local economy was negatively affected by the reduced spending power and disposable income that the uncommunicated State Pension Age changes had brought about among women born in the 1950s.
- Local tourism had suffered as a result, with affected women unable to travel to the area for holidays.

Council was asked to support:

- A swift resolution to this ongoing injustice before more and more women died waiting for compensation.
- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s had suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- The WASPI campaign and All Party Parliamentary Group’s called for an immediate one-off compensation payment at category 6 injustice on the PHSO’s financial remedy scale (£10,000) to those affected.
- The PHSO’s recommendation for the DWP to issue a formal apology to those affected and provide an opportunity for MPs to urgently debate the APPG’s recommendations, and any others, in Parliament.

We therefore ask:

The Leader of the Council to write to the 3 local Members of Parliament, the Secretary of State for Work and Pensions and the Leader of the House of Commons to outline the effects of the injustice on a significant number of women born in the 1950s in Mid Devon and to seek the following:

- Urgent delivery of proposals from the DWP, outlining how they would deliver compensation for affected women, to include the value of compensation and a timeline for the delivery of said compensation.

- For all MPs to be given an opportunity to debate and vote on these proposals.

Consideration was given to:

- Acknowledged the challenges of the changes for women and families.
- Concern that the motion as presented was not in the interest of Mid Devon residents.
- There were errors in the motion, and the contained facts and figures were misleading at best, and without careful consideration, it risked being generic and serving little purpose to our residents.
- It was the Council's duty to ensure that any motion passed genuinely represented the Council's residents, improved their lives and was factually accurate. To achieve this, and rather than rejecting it outright, it was proposed to refer the motion to the Community, People & Equalities Policy Development Group for refinement, allowing them to make the necessary adjustments so that it could truly be bespoke to our community. This would be in accordance with procedure rules.
- This was a national issue and not one that the Council could control here and it was important to remember that the pension reforms were introduced to ensure fairness and sustainability.
- The equalisation of the state pension age was essential, not only for balancing public finances and to protect the viability of the state pension system, but also to reflect equality—a principle the Council was committed to.
- Additionally, there was the matter of the potential financial cost of compensation demanded, which could exceed a staggering £36 billion, this would have a substantial impact on the public purse, which may ultimately detract from local essential services that benefit all residents.
- A similar motion had previously come to a Council meeting and was currently still an issue.
- Department for Works and Pensions (DWP) had been found guilty of maladministration over 3 years ago.
- The motion was important and would support the notice of motion to ensure the Council had this correct.
- Support the notice of motion to go to the Community, People and Equalities Policy Development Group to ensure the motion was right for the residents of the Council.

The **MOTION** was **MOVED** by Councillor S Robinson seconded by Councillor G Westcott.

Cllr J Buczkowski **MOVED** seconded by Cllr L Kennedy a **NOTICE WITHOUT MOTION** to appoint the Community, People and Equalities Policy Development Group (PDG) to consider this motion before it came back to Full Council.

Upon a vote being taken, the **MOTION WITHOUT NOTICE** was declared to have **CARRIED**.

Those voting **AGAINST** the **MOTION**: Cllr L Cruwys, Cllr S Robinson, Cllr H Tuffin, Cllr N Woollatt

Those **ABSTAINING** from voting: Cllr B Holdman

2. Motion 607 (Cllr B Fish)

The Council had before it a **MOTION** submitted for the first time.

Motion: Changes to the Winter Fuel Allowance; Protecting and Relieving Pensioners from Fuel Poverty

This Council noted with great concern the recent decision by the Labour Government to restrict the Winter Fuel Payment (WFP) to pensioners who were in receipt of Pension Credit (PC). Age UK has estimated that this change will result in 2 million pensioners, who were in critical need of the payment (to stay warm this winter), losing this allowance.

WFPs have been an essential support for many older residents across the UK, including those in Mid Devon, to afford sufficient heating during the coldest months, to prevent 'heat or eat' dilemma and to safeguard health. Charities such as Age UK, The Countryside Alliance, CHAT and other stakeholders had voiced significant concerns regarding the social injustice and health risks associated with this sudden and unexpected change. This change came about without adequate notice of this Government's intent to deprive so many of our pensioners of a warm home this winter. This seemingly 'snap decision' to means test WFPs was unfair and deeply goes counter to the financial contribution that pensioners have made to our Economy throughout their long and productive lives.

This Council believed that the Labour Government had set the threshold at which our pensioners did not qualify for WFPs far too low. Only those currently receiving a pension of less than £218.15 per week (or £332.95 for couples) were eligible for Pension Credit (PC). This was significantly less than the Living Wage of £457.60. Moreover, our fuel and food costs continued to rise.

This Council was concerned by the low take-up of PC, with only 63% of those eligible, nationwide, receiving it, and over 880,000 not receiving it. Administrative barriers and stigma may prevent many eligible pensioners from claiming PC, leaving them without the financial support they desperately need.

This Council further noted that the Energy Price Gap has risen by 10% in October 2024, which, combined with the removal of WFPs, would push thousands more pensioners into fuel poverty this winter.

This Council recognised that:

- The WFP has been a crucial lifeline for many older people across the UK and restricting it only to those on Pension Credit risked leaving many pensioners in serious financial hardship.
- Whilst some pensioners in receipt of the payment may not be in financial need, many others, particularly those just above the threshold, would lose this essential support. This method of selection appeared ill conceived and needed urgent reconsideration. Being just £10 over the PC limit would subject a pensioner to a loss of £290 and would make it likely that they would enter fuel poverty over this winter, whilst, for someone whose income was £10 under the PC limit this winter would retain the £300. This seemed morally wrong.
- Another consideration of great importance to this Council was that, without heat, warmth and/or good nutrition through the winter months, there would be a big increase in hospital admissions, most likely due to chest infections,

pneumonia, etc. This would put even more strain on our NHS, in what was the busiest time of their year. This surely would adversely impact Government expenditure.

This Council was currently undertaking the following:

1. Launching a Council led awareness campaign to ensure that those eligible for Pension Credits were made aware of the benefit, including access to Winter Fuel Payments, and to encourage take-up of their entitlement. Strengthening local efforts to promote Pension Credit uptake through Council services and partnerships with local Charities and community organisations, ensuring that all eligible pensioners in Mid Devon were supported in claiming their entitlement. We were proud of MDDCs efforts to date, which were already in process.
2. Promoting and supporting the NHS vaccination programme, taking due notice of the health and welfare of our elderly.

This Council resolved to:

1. Request that the Leader of the Council write to the Chancellor of the Exchequer, calling for the policy of linking Winter Fuel Payments to Pension Credit receipt to be immediately paused. This should enable time for the introduction of a new and honourable financial threshold, used to determine eligibility for Pension Credit.
2. Requested that the Leader write to all MPs covering Mid Devon, asking them to give their formal support to halting the changes to the Winter Fuel Payment eligibility, certainly for this winter, whilst further solutions were explored ready for implementation next year (winter 2025).
3. Investigate whether Mid Devon's public buildings could be used as part of the 'Warm Spaces' initiative for Winter 2024/5, ensuring that vulnerable residents had access to heated spaces during the colder months, and encouraged Town and Parish Councils to participate.

Consideration was given to:

- It was a prime responsibility of governments, both national and local, to protect their most vulnerable residents, and whilst the current government undoubtedly inherited a financial mess from the chaotic and incompetent Conservative government, they also, in the Prime Minister's own words, inherited appalling poverty.
- The wholesale removal of the winter fuel allowance by the Labour Government was a total dereliction of the responsibility and an utter betrayal to those who relied on this payment to keep their homes warm through the winter.
- The support of this motion, which aimed to show the strength of feeling of this Council, and of the residents it represented, along with it identifying pragmatic ways to further support our vulnerable residents and those in need.
- The Council had sought to protect the vulnerable residents within the district that had been affected by the withdrawal of the winter fuel allowance and had taken urgent and decisive action to protect the residents
- Utilising the Household Support fund the Council had offered a direct award, meaning no application, to 325 pensioners that had been identified as likely to be at risk of hardship due to the loss of the winter fuel allowance, this award was by way of energy vouchers of £250 for single persons and £300 for couples.
- In addition to the direct award, the Household support scheme could offer up to £400 of vouchers for either food, energy or a combination of both – Applications needed to be made for the main scheme and it was means tested

to ensure and support the most vulnerable households. Households receiving a direct award could also apply to the full scheme for additional support.

- The team at Mid Devon had ramped up publicity of the scheme, and pension credit eligibility and claims process, the Council had issued 600 letters encouraging people to apply for pension credit.
- The Council's Customer First Team would be ready to help where they could on both the Household Support Fund (HSF) and Pension Credit Claims, the Council had worked closely with external partners CHAT and Navigate to ensure that support was accessible and close to our communities.
- Members commended the work of the Council to raise awareness and claim pension credit.
- This winter would see higher numbers of illness and death through living in cold and damp conditions.
- The use of the word honourable financial threshold.

The **MOTION** was **MOVED** by Councillor B Fish seconded by Councillor S Robinson Upon a vote being taken, the **MOTION** was declared to have **CARRIED**.

(All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the motions:- Women on State Pension Inequality and the Winter Fuel Allowance)

228 **CABINET- REPORTS OF THE MINUTES OF THE MEETINGS HELD BETWEEN 17 SEPTEMBER AND 15 OCTOBER 2024**

The Leader presented the reports of the meeting of the Cabinet held on 17 September and 15 October 2024

1. Mid Devon Housing Repairs and Maintenance Policy (Minute 73)

The Leader **MOVED**:

That the recommendations of the Cabinet as set out in minute 73 be **APPROVED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

229 **SCRUTINY COMMITTEE- REPORT OF THE MEETING HELD ON 9TH SEPTEMBER 2024**

The Chair of the Scrutiny Committee presented the report of the meeting held on 9 September 2024.

230 **COMMUNITY, PEOPLE AND EQUALITIES POLICY DEVELOPMENT GROUP- REPORT OF THE MEETING HELD ON 24TH SEPTEMBER 2024**

The Chair of the Community, People and Equalities Policy Development Group presented the report held on the 24 September 2024.

231 **ECONOMY AND ASSETS POLICY DEVELOPMENT GROUP- REPORT OF THE MEETING HELD ON 19TH SEPTEMBER 2024**

The Chair of the Economy and Asset Policy Development Group presented the report held on 19 September 2024.

232 **HOMES POLICY DEVELOPMENT GROUP- REPORT OF THE MEETING HELD ON 10TH SEPTEMBER 2024**

The Chair of the Homes Policy Development Group presented the report held on 10 September 2024.

233 **PLANNING, ENVIRONMENT AND SUSTAINABILITY POLICY DEVELOPMENT GROUP- REPORT OF THE MEETING HELD ON 3RD SEPTEMBER 2024**

The Chair of the meeting of Planning, Environment and Sustainability Group presented the report held on 3 September 2024.

234 **SERVICE DELIVERY AND CONTINUOUS IMPROVEMENTS POLICY DEVELOPMENT GROUP- REPORT OF THE MEETING HELD ON 23RD SEPTEMBER 2024**

The Chair of the meeting of Service Delivery and Continuous Improvements Policy Development Group presented the report held on 23 September 2024.

235 **PLANNING COMMITTEE- REPORTS OF THE MEETING HELD ON THE 28TH AUGUST, 11TH SEPTEMBER AND 9TH OCTOBER 2024**

The Chair of the Planning Committee held presented the reports of the meetings held on 28th August, 11th September and 9th October 2024.

236 **LICENSING COMMITTEE- REPORTS OF THE MEETING HELD ON THE 2ND OCTOBER 2024.**

The Chair of the Licensing Committee presented the report of the meeting held on 2 October.

1. Gambling Act Statement of Principles (Minute 14)

The Chair of Licensing Committee **MOVED**, seconded by Cllr J Buczkowski

That the recommendation of the Licensing Committee as set out in Minute 14 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

2. Statement of Licensing Policy (Minute 15)

The Chair of Licensing Committee **MOVED**, seconded by Cllr L Taylor

That the recommendation of the Licensing Committee as set out in Minute 15 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

237 REGULATORY COMMITTEE- REPORT OF THE MEETING HELD ON THE 2ND OCTOBER 2024

The Chair of the Regulatory Committee presented the report of the meeting held on 2 October.

1. Hackney Carriage and Private Hire (Taxi) Policy (Minute 14)

The Chair of Regulatory Committee **MOVED**, seconded by Cllr J Downes

That the recommendation of the Regulatory Committee as set out in Minute 14 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

238 APPOINTMENTS TO OUTSIDE BODIES

The following appointments to Outside Bodies were **AGREED**.

Cllr G Czapiewski to be appointed to Council for the Police and Crime Panel for Devon and Cornwall.

Cllr L Kennedy **MOVED** seconded by Cllr L Cruwys:

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

The Cabinet Member for Housing, Assets and Property Services be appointed to the Devon and Torbay Housing Advisory Group.

The Chair **MOVED**

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

239 QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 11

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

There were no questions.

240 SPECIAL URGENCY DECISIONS

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chair informed the meeting that no such decisions had been taken in that period.

241 QUESTIONS TO CABINET MEMBERS

The Chair informed the meeting that no were no questions to Cabinet Members.

242 MEMBERS BUSINESS

- Cllr J Wright thanked Leisure Services for their actions that related to a number of recent incidents where customers or members of the public had collapsed in a centre. The leisure centre staff acted swiftly and had been praised by the relatives of both individuals and the ability of well trained staff to administer first aid when required. All those that used the excellent leisure centres could be confident in the support that was available should they find themselves in difficulty.
- Cllr S Clist thanked two members of the housing team for a similar situation to the leisure centre and would be emailing those individuals to give his personal thanks.
- Cllr S Clist attended a harvest thanksgiving in Exeter, it was a great pleasure to see the younger generation, keen and interested in agriculture. The cathedral was beautifully decorated.
- Cllr L Taylor highlighted to Members that the Cullompton Town Centre Relief Road had taken another major step towards delivery, as Tesco had confirmed its willingness to sell a key piece of land required to deliver the relief road. He thanked all Members and officers for their work on this.
- Cllr S Keable highlighted the commencement of the relocation of Cullompton Cricket Pitch, this latest announcement marked the achievement of another key milestone and paved the way for the delivery of the long-awaited relief road.
- Cllr S Keable highlighted that the Prosperity Fund had successfully been granted another year of funding, and that he considered this programme was vital to support the continued growth of jobs and wealth in the district.

(The meeting ended at 7.44pm)

CHAIR

Full Council 30th October 2024 Public Questions and Answers

Name of person submitting	Questions
<p>Goff Welchman</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 29</p>	<p>Question 1: Has a final decision been reached regarding the use for St George’s Court?</p> <p>Cabinet Member for Housing, Property and Assets: Yes. SGC has been sold to the Council’s Housing Service, Housing Revenue Account (HRA) for specific use as social housing within the council housing stock. Please refer to minute 43 of the August 2023 Cabinet meeting https://democracy.middevon.gov.uk/mgAi.aspx?ID=18034</p> <p>Question 2: What further work on that site is being or will be carried out?</p> <p>Cabinet Member for Housing, Property and Assets: External works to complete final drainage connections, highways access, garden/other landscaping and additional works to ensure SGC is ready for letting. Some internal works are being completed to bathrooms within the blocks of flats and riverside fencing to meet HRA adaptability/safety requirements and the local lettings plan for the development.</p> <p>Question 3: What is the cost of that further work, and how will it be funded?</p> <p>Cabinet Member for Housing, Property and Assets: As some works are still ongoing a final cost for all the further work is not currently available. All works to complete the site and achieve a lettable standard are being met by the Council’s general fund as a requirement of the HRA acquisition of the site. The internal adaption works and fencing costs are being met the HRA.</p> <p>Further to the information provided during the meeting: The Council would be planting Fruit trees within this development for the benefit of the community in the spring next year.</p>

<p>Nick Quinn</p>	<p>Question 1: Has the Leisure VAT refund from HMRC, referred to in Council Motion 593, and been received yet?</p> <p>Question 2: If so: a) When was this received? b) How much was received?</p> <p>Cabinet Member for Service Delivery and Continuous Improvements: The Council had received the payments, the total of 3,149,619.03 paid in three instalments and included interest and the final payment was made in 31/08/2023.</p>
<p>Barry Warren</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 30</p>	<p>At Cabinet on 15 October 2024 the Medium Term Financial Plan in paragraph 2.6 were the words “Two further lines had possibly lowered in terms of deliverability – lines 25 and 31. Both relate to securing contribution from the Town or Parish Councils. To date, no proposals had been received but discussions were ongoing.” In the table which follows the combined figures amount to £110 thousand pounds.</p> <p>Question 1: What discussions were ongoing and with whom?</p> <p>Responses: A number of meetings have been held with the 3 main Town Councils and some of our Parishes to discuss closer partnership arrangements which has predominantly focused on the joint funding or transfer of assets to ensure the continuity of local service provisioning. This important issue of partnership working will, I hope, be further discussed/enhanced at the meeting of all the Towns/Parishes at Phoenix House on the 20/11/24.</p> <p>Statement: There was a stated intention of this administration for a closer relationship with the Town and Parish Councils and the public. £6,000.00 had been allocated each year to appoint a Cabinet member with a portfolio to achieve this.</p> <p>There was a Town and Parish Charter which sets out apparent agreements. My own Parish Council raised issues with it which in the main were ignored or rejected. A meeting between Councillor DuChesne, myself and the Parish Clerk again raised issues some of which were turned down by the Monitoring Officer. Another issue over a planning application was raised and the response back from a Planning Officer was dismissive to say the least. There were other issues raised and in spite of the Cabinet Member and her supporting Officer taking them away no response had been received to all of them. These included incorrect invoices for services, including a red final demand. This had</p>

<p>Page 33</p>	<p>been repeated yet again this month. Incorrect information in a consultation document to name but a few. There was little or no enforcement been evidenced within Parish.</p> <p>Since the change of administration attendance by Ward Councillors at Parish Council Meetings was sparse, if at all, one of the Councillors was also a Parish Councillor but had a poor attendance record. We were not alone in this experience as we had heard from another Council this week who had not seen a Ward Councillor since the changes.</p> <p>We had charges for play equipment inspections increased. Now we had been advised that some areas would be split into sections and the full charges made for each area rather than the whole field area. We had taken on responsibility for 6 of the Council play/recreational areas which were being refurbished in spite of only having 25 year leases. If the Council were trying to reduce their commitments they could transfer these areas over to the Parish totally.</p> <p>Question 2: Was there a genuine commitment by this administration to engage?</p> <p>Yes.</p>
<p>Paul Hstone</p>	<p>Question 1: Are Council Members aware that ZED PODs had never constructed or installed a modular development they had always subcontracted, which may go some way in explaining the grossly excessive cost being paid by this Council?</p> <p>Cabinet Member for Housing, Property and Assets:</p> <p>This is a misleading question in terms of standard responsibilities for construction projects of this nature.</p> <p>In accordance with our contracts, Zed Pods undertake the <i>Principal Contractor</i> role with full responsibility for design, fabrication, installation and completion. As has been previously highlighted, the company provide a volumetric flexible modular system to accommodate the bespoke nature of the MDDC projects, including zero-operational carbon, high specification with non-combustible insulation under a full turnkey package of works (national Royal Institute of British Architects (RIBA) stages 1 -7). As such, Zed Pods take full and formal responsibility of all designs, principle contractor, principle designers and building safety compliance which includes using various sub-contractors and suppliers as part of an assured supply chain. This is a common approach within many traditional and modular build construction projects and a legal requirement where multiple contractors are involved.</p>

The Construction (Design and Management) Regulations 2015 set out requirements whereby a *Principal Contractor* must be in place for all projects involving more than one contractor. Overall, as the principal contractor they have full legal responsibility for the construction project and must have the required skills, experience and competence to fulfil the role.

Question 2: Are members aware that it had so far cost the Council over £444,000 solely for the design and planning work for just one of the ZED POD's projects?

Cabinet Member for Housing, Property and Assets:

The question does not refer to a specific project or provide further clarification as to where the £444,000 figure has come from. As such, this may be a misinterpretation of a specific invoice or an amalgamated project costing, for example one which includes all of RIBA stages 1-4 and a first stage payment for the manufacture and construction of the modules themselves.

RIBA stages 1-4 are nonetheless a comprehensive and essential part of the overall construction project that encompass the following components; preparation and brief, feasibility studies, concept design, public and statutory/additional expert consultations and surveys, pre-planning and planning application, coordination and full, detailed technical design. These stages are typically covered by a specific PSCA (and Pre-construction services agreement).

Overall, the pre-constructive phase of construction projects is a separately assessed as part of the South West Procurement Alliance (SWPA) approved procurement framework under which the MDDC/Zed Pod contracts are awarded. Therefore, they are subject to separate value for money and quality assessments. Furthermore, all Zed Pod design and PCSA fees follow standard rates and percentages as industry standard within design appointments. Full visibility and traceability is available to the Council for each project.

Question 3: Was the Council aware that the company who previously fabricated modules for ZED PODs entered administration last year, and with multi million pound debt. That the Administrator was attempting to recover substantial funds from the ZED POD shareholders?

Cabinet Member for Housing, Property and Assets:

Zed Pods Ltd were asked to provide a direct response to this question, which nonetheless relates to previous questions asked by Mr Elstone of the company in relation to Impact Modular Ltd which have been answered in full

and are not relevant to any contracts between the Council and Zed Pods Ltd to provide modular homes. The statement from Zed Pods is as follows:

“Zed Pods did not and has not got any outstanding debts with Impact Modular and has not dealt with this company since 2020. In any case, the statement that an administrator would attempt to recover debts from shareholders is erroneous. Shareholders, as investors in a company, are not liable for a company’s debts because a company is a separate legal entity. Limited liability is a legal concept that means the owners of a company (i.e. its shareholders) are not liable for its debts. This statement is therefore incorrect on a number of counts”

Question 4 : Can it be fully explained why this Council had allowed the ZED POD to build the Shapland Place development in non-compliance with more than one of its own planning conditions?

Cabinet Member for Housing, Property and Assets:

All Zed Pod projects are fully compliant and comply with all regulations and modules are built in accordance with approved drawings.

In consultation with the Council, occasionally Zed Pods may have had to adapt and change a few elements in the designs post planning approval in accordance site constraints, geotechnical issues and/or with regard to the building control approval process. Occasionally, Zed Pods might be required to make modifications to some internal room configurations to accommodate internal wall thicknesses.

These changes do not fundamentally alter the purpose of the space and they must still comply with Building Regulations Part A to Part S. Meeting these requirements do not usually require changes to the building footprint, elevations or façade treatments.

Infrequently this requires a non-material amendment (NMA), as was the case with Shapland Place whereby the full planning process was followed and an NMA approval granted. The changes did not increase the size of the building, change the eaves or roof height, change the site area, significantly change the elevations or alter the nature of the development so fall under the remit of the NMA that was granted. To ensure any changes were within the planning permission guidance Zed Pod sought advice. When changes are required then Zed Pods conduct open dialogue with the planning case officer as evidenced in the NMA process followed. As such, they have been in dialogue with the case officer as required throughout the process and have started further dialogue with the case officer to further ensure compliance.

This is normal part of many construction projects, both traditional and modular build and MDDC planning officers may well be engaged in similar dialogue with a number of different contractors across a number of schemes at any one time as part of their role as the Local Planning Authority.

Question 5: Given that Mr Elstone had the opportunity to examine drawings also take physical measurements of completed modules. Can it be fully explained how this Council had allowed the ZED POD to build modular home developments, which fail to fully comply with the Government Nationally Described Space Standards?

If the Cabinet Member for Housing, Asset and Property wishes to challenge on this, Mr Elstone would be happy to visit, with him and Officers, to Shapland Place and St Andrews in order to validate my statement.

Cabinet Member for Housing, Property and Assets:

As has been previously set out, all our projects completed by Zed Pods are fully National Described Space Standards (NDSS) compliant within tolerance and generally offer more than minimum floor and room areas compared to space standards within NDSS documents.

With regards Shapland Place, the buildings have satisfied the planners throughout the planning process that they meet or exceed the minimum space standards and have received independent Building Regulation approval. On the assumption that this comment refers to one specific bedroom within the 3-bed unit in Shapland place, the Gross Internal floor Area (GIA) is 74.5m², above the 74m² required in the NDSS. 2.2m² of internal storage has been provided in the stores outside of the bedroom areas. Within the unit, 0.72m² is to be provided by the wardrobe space in the double bedroom. This will provide in excess of the 2.5m² storage requirement. All bedroom areas can accommodate built in storage due to the room sizes.

Question 6: Much had been made about the ZED POD modular build durability and BOPAS Accreditation. A new company was now building modules for ZED PODs, in exactly the same location as the previous fabricator. Is this Council aware that there was evidence available to suggest that this company, who built the Shapland Place modules, was not BOPAS approved at the time ?

Cabinet Member for Housing, Property and Assets:

The Zed Pods BOPAS approval was received on 30 November 2021, significantly before the construction for Shapland Place started and is held for the relevant specific designs. Zed Pods have confirmed it is incorrect to state

they took over the same location. They took over the adjacent building to the previous occupant and this is in any case wholly irrelevant in the context of the accreditation and overall durability of the modules provided to the Council.

Question 7: This Council had stated that the ZED POD's modules can be as good as or even better than conventional builds and have a lifespan of up to 120 years. However, the ZED POD BOPAS durability certificate is only for 60 years. It should be noted that probably one of the most important components of the build, the cladding, only had a warranty of 15 years.

Will the statement that the ZED POD's Modules can have a life of 120 years also that they can be better and more cost effective than equally energy efficient conventional build homes be fully validated ?

Cabinet Member for Housing, Property and Assets:

As Mr Elstone must be aware, this a repeat of the question he raised at Audit Committee 25 June 2024 for which a comprehensive response as already been provided. Please refer to the published minutes for question 2(3) at <https://democracy.middevon.gov.uk/documents/s31139/Written%20Public%20Questions-%20Audit%20Committee.pdf>

For absolute clarity; BOPAS provide a 60 year certificate as this is what lenders require. This is the same requirement for any new residential building regardless of type as it covers two mortgage cycles and is not a measure of the additional design quality incorporated in these modular homes or a limit on the life of a building. A traditional build home is also only assessed against 60 years.

Question 8: Given the serious nature of the questions in respect of this Council's partnership arrangement with ZED POD's, I believe there are compelling reasons for the Audit and/or Scrutiny Committee to undertake a root and branch investigation – Will they do just that?

Cabinet Member for Housing, Property and Assets:

This is not a question as the Cabinet Member I can directly answer. Nonetheless, full and detailed responses continue to be provided to all questions you pose in respect of these projects in order to provide full assurance, sometimes on a repeat basis.

<p>Tim Bridger</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 88</p>	<p>Statement</p> <p>The Leisure Centre pricing, the substantial price rises would be implemented from January as yet leisure centre members had not been informed but going up significantly. Last year vulnerable member of the community who use the facilities were hit with a 13% increase in charges where as members were in here with a 6% increase. As a country in the group of an obesity crisis where diseases are effecting normal people disproportionately these are also impacting people from lower income and deprived areas. This Council had an opportunity to lower prices to make sure that many people as possible can use the facilities but instead rising the prices and in doing so families we be unable to afford the leisure centres because it would cost too much. Other services in the area were significantly less in membership fees and this Council is meant to be providing a public service.</p> <p>Question 1: Why is this Council not providing this public service and working collaboratively with NHS in particular for those people who need the facilities and access them.</p> <p>The Council will continue to provide our excellent leisure services and has had a number of discussions with the NHS about opportunities for enabling access, both in a rehabilitative capacity but also as part of the preventative landscape by maintaining health and wellness in our communities.</p> <p>In relation to the drop in centre in the market place, community groups had tried to make progress for what it was designed as for community groups.</p> <p>Question 2: Has any progress been made on this and would the Council retain as a community asset.</p> <p>The Council has clearly set out its plans to deliver a new workspace within the market centre building, has undertaken various consultation events relating to the proposals, has secured the necessary planning consents to support this and has made financial provision to support its delivery. The Council therefore intends to deliver the workspace facility.</p> <p>Question 3: This Council are the land owners of where the area for the Boxing Day hunt event uses and would the Council be taking necessary measures of health and safety of those who would be attending? And would this Council be ensuring this event does not go ahead and comply with the Council standards?</p> <p>Further to the response provided by the Leader of the Council during the meeting: No hunting activity takes place in the town centre. The location being referenced is a public place and it remains the council's understanding that when this group sets off from Fore Street they are using the public highway in a completely legal manner. Concerns about the legality of activities that may or may not happen later in the day in open countryside should be addressed to the Police to ensure compliance with all relevant laws.</p>
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MINUTES of a **MEETING** of the **CABINET** held on 12 November 2024 at 5.15 pm

**Present
Councillors**

S J Clist, J Lock, J Buczkowski,
G Duchesne, S Keable, J Wright and
D Wulff

**Apologies
Councillors**

N Bradshaw (online) and L Taylor (online)

**Also Present
Councillors**

D Broom, E Buczkowski and G Westcott.

**Also Present
Officers:**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Haley Walker (Leisure Business Manager), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Thomas Muston (Conservation Officer), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer) and Laura Woon (Democratic Services Manager)

**Councillors
Online**

S Chenore, L J Cruwys, G Czapiewski, M Fletcher,
A Glover, C Harrower, L G J Kennedy, L Knight, R Roberts
and S Robinson

Officers Online

Dean Emery (Head of Revenues, Benefits and Leisure)
and Lisa Lewis (Head of Digital Transformation &
Customer Engagement)

78. APOLOGIES (00:04:16)

Apologies were received from Councillors: N Bradshaw (online) and L Taylor (online)

79. PUBLIC QUESTION TIME (00:05:00)

The Chair highlighted he was aware that many of the members of public would be attending this evening to hear discussion of the Grand Western Canal Conservation

Area Appraisal and Management Plan to meet the requirements of the Planning act 1990 and the NPPF 2023 and, possibly, to ask questions of the Cabinet.

He sincerely welcomed those who were here this evening with a genuine passion and interest in protecting the canal and grateful to those who had spent time and effort in participating in, and therefore supporting, the comprehensive consultation exercise that the Council ensured took place in support of this important piece of work. The consultation exercise and the valuable consultation responses received had allowed officers to refine the documents to produce what the Council considered to be a robust and up to date document which would support, protect and enhance the canal into the future.

As had been said before; it was unfortunate that the petition that was set up against the work was slightly misleading, however, he was pleased that Cabinet had the updated document before it this evening and he looked forward to the discussions that Cabinet would have in relation to it later in the meeting. Even more, he looked forward to continuing to see the Council's historic canal protected for our communities and residents.

Goff Welchman

At the first public consultation on the Grand Western Canal proposal, one of the forward planning officers were told that weakening the conservation area in anyway would invite developers to submit planning applications, the reply was "not to worry and that the land would never be built on." The reply was either astonishingly naïve or deliberately misleading, a few weeks later the Secretary of State who was in charge of planning, hates the green belt, was forcing housing to be increased and had over ruled at least one Planning inspector.

The officer's statement was rubbish, it was a reserved housing site and the Council already knew this. This Council were already building on it, we cannot afford to weaken the protection any further. The word "rubbish" was used in to a response to the Leader who attempted to discredit the petition to save the Conservation area and an apology for using this word was demanded. The Leader should apologise in regards to his attitude towards the deep concerns that had been expressed from a large number of local residents and visitors to the town who support our local businesses.

The petition should be debated in accordance to the Council's constitution at Full Council not denigrated.

Question 1: If the Council reduced the Grand Western Canal Conservation area in view of the background above, how could the residents of Tiverton trust the Council to continue to protect the site to enjoy?

Question 2: Would the Council adhere to the Constitutional rules and debate the petition at Full Council?

In view of the above the proposal should be called into Scrutiny and trust that any decision taken at Scrutiny had not been pre- determined from the current Chair of that Committee.

The Deputy Leader stated that Mr Welchman would receive a written response to his questions in the usual way and in a 'timely manner'

Paul Elstone

Question 1: The wording of the Canal Conservation Area petition, which was unfairly criticised by the Council Leader, was to raise public concerns with the Council about developers, or landowners, taking advantage of the removal of conservation area status.

It was ironic that tonight the Cabinet was being presented with a Tiverton Eastern Urban Extension (EUE) Area B map that showed the overall development plan boundaries. A boundary that fully includes a thick wooded area plus other land that was previously protected by conservation status.

While it may be suggested that it would be public open space – this could still impact established wildlife habitats therefore impact on the immediately adjacent canal. Would Cabinet understand why there was an increasing and widespread lack of public trust in what this Council says and what it actually does?

Question 2: The feedback from the Council to the various objections, to conservation area status being removed from what the public consider are sensitive areas, was effectively: - don't worry, the importance of the canal would be protected when considering future planning applications. Such statements are meaningless unless the Council actually enforces these protections.

An industrial sized operation had been allowed within 100 metres of the Canal Conservation Area at Crownhill, Halberton.

Yes, the Council did impose conditions in the planning permission but it had allowed this site to continue to operate in blatant breach of all operating planning conditions since 2019, creating noise, odours and dust as well as significant disruption even damage to the fragile road network and yes road traffic and pedestrian safety risk as well.

Despite repeatedly being made aware of serious planning condition breaches, the Council had done nothing meaningful about it. This demonstrated the reality of what this Council said it would do to protect areas and then didn't or couldn't.

Would Cabinet include in any recommendations on the Canal Conservation Area, a guarantee that all the planning conditions which apply to any development neighbouring the Canal Conservation Area would be fully enforced - and without any delay?

Question 3: The Council Leader was on record as saying 'Why let facts get in the way of a good petition' this when bad mouthing the integrity of the petition wording or lack of wording.

Accept, it or not, the Council Leader when challenging the integrity of the petition was also effectively challenging the intelligence of all those who signed it, it was his garbage moment. Once again why let the real facts get in the way when defending this Council's position or making political gain. The real facts follow.

The petition wording says, and I quote 'end the protection of parts of the canal area' it does not say the removal of the complete conservation area protection.

Will the Council Leader now publicly apologise to those who signed the petition and without any reservation?

The Deputy Leader stated that Mr Elstone would receive a written response to his questions in the usual way and in a 'timely manner'

Barbara Downs

The Council know of all the wildlife in Snake's Wood which also include deer, bats, water voles, badgers, kingfishers, owls, herons, wild birds and mice.

Are you aware of the following?

All bat species are legally protected by domestic and international legislation. This means the Council maybe committing a criminal offence if you disturb a bat in the roost. Do the Council know HS2 which was government and tax payers had funded and recently constructed a £100 million giant shed to protect the bats in the local patch of the woodland bisected by HS2.

In 1992 the protection of badgers act made badgers a protected species and were protected under a dedicated piece of legislation.

Barn owls are a schedule 1 species and also had legal protection.

Dormice were protected under schedule 5 of the Wildlife and Countryside Act 1981.

The owner of the wonderful canal barge company, Mr Phil Brind had said that if any reduction of the conservation area led to the eventual development of housing between Tidcombe Hall and Snakes Wood, then his business would be forced to close, resulting in the loss of Tiverton's main tourist attraction and the revenue for other traders in the town.

Question 1: Would you wish to be responsible for that?

To be assured that the Council knew all the factors above that the removal of the conservation status from Snakes Wood would cause.

Response from the Cabinet Member for Planning and Economic Regeneration:

The Council recognised the value of the canal for ecology. However, this matter was not relevant to the designation of the conservation area in terms of its special historic or architectural interest. Species and habitats are legally protected. This was included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal was a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park.

Snakes Wood was designated as an area of Ancient Woodland and also a Country Wildlife Site. The canal and Snakes Wood were protected and managed through these designations.

Chris Downs- Sandy Elworthy read on his behalf

Question 1: The Mid Devon District Council (MDDC) Constitution Annex D section 5 was very clear stating that a public petition with over 1500 Mid Devon residents signatures must be debated at Full Council.

Also that a petition had to be submitted 10 days in advance of the meeting. The text of the Canal Conservation Area Petition was sent to Democratic Services on the 16th October or 14 days in advance, with the stated expectation that it would be debated at Full Council on the 30th October.

Democratic Services only responded 5 days later, on the 21st October, when stating the requirements of Appendix D - including the need to supply details of the Mid Devon residents signing the petition, of which there were 1,791 out of a total of 4,200.

This signatory information was fully extracted and provided to Democratic Services in easy access format early on the 29th October, or nearly 2 working days before the Full Council Meeting.

Given this information and with the proper will, why was the petition not debated at the Full Council meeting?

Question 2: Rather than call for a debate the Council Leader took it upon himself to denigrate the wording of the petition and used the meeting privilege to do this without allowing any response.

When the Council Leader stated that the petition was to be considered at Cabinet - preventing the petition from being debated at Full Council, either the Monitoring Officer or the Chair intervened to remind him of the Constitution requirements.

Bringing the Conservation Report before Cabinet for approval without the Full Council debate on the petition in the first instance was not only going against the MDDC Constitution, it was showing complete disrespect to those 1791 Mid Devon residents who signed the petition in good faith. Mid Devon residents who, I believe, fully understood the meaning of the petition - despite what the Council Leader had implied.

I understand that the MDDC Scrutiny Chair had already predetermined the position of the Scrutiny Committee on any possible call-in by stating (ahead of any Cabinet decision) that "he was not minded to call in the Conservation Report recommendations".

Would the Monitoring Officer please provide a full and unambiguous opinion (ahead of any Cabinet discussion and recommendation) with regards to the requirement for the Full Council to debate the Conservation Area petition before any Cabinet decisions were taken?

The Deputy Leader stated that Mr Downs would receive a written response to his questions in the usual way and in a 'timely manner'

Robert Wilks

I believe that the Council was to consider the designation of Snakes Wood in two further meetings and I would be grateful if my comments might be made known to the Council Members.

I am very interested in preserving our natural environment and Snakes Wood is one of the best in our vicinity. To hear that there was an intention to dispense it of its current status as a conservation area was unbelievable unless a survey, of which I am unaware, had been conducted. My time spent there of an evening this last summer surrounded by bats was a delight.

I believe that bats are a protected species and that their roosts are protected. If those roosts are natural, i.e. not in a loftspace, I thought that they could not be interfered with.

Question 1: Has the Council had Snakes Wood surveyed?

Response from the Cabinet Member for Planning and Economic Regeneration:

There had not been an ecological survey conducted for Snakes Wood as part of the review of the Conservation Area, as this was not required or relevant to its designation as a Conservation Area. A conservation area was designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation was not devalued through the designation of areas that lack special interest. Species and habitats were legally protected and supported by different legislation including the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Mr Drew

Noting that my wife runs Manleys B&B, which was the only hospitality business of its type within the Canal Conservation Area, the Council had consistently failed to engage with us in relation to this and numerous other matters. It was astonishing that we only became aware of this review because it was reported on Devon Live.

Despite reaching out to Mr Marsh personally in an effort to negotiate a compromise and saying "I look forward to your constructive response", I had never had a reply. Indeed the reason I am unable to address the meeting today was because we are on holiday and I naively thought that I would hear from the Council before it reported the matter to Councillors. Clearly the Officer's agenda was to get this passed under the radar so that the Council could remove a constraint to its house building plans. The fact officer's resort to machiavellian tactics should be called out by Members.

I might be naive in trusting the Council despite all that had gone before but I am not stupid enough to believe the claim that this was some dry technical exercise without consequences. Councillors need to be careful what they wish for. If they do not want to destroy the flora and fauna that make the canal the jewel in the crown of Mid Devon then they should oppose the officer's recommendation.

To be clear, without the Conservation Area status almost 1,000 trees could be removed from my garden by a future owner. As I made clear in my submission, none of them are veteran trees and so that advice was not relevant and not a reason to de-designate. Given their track record I have no confidence that officers would attend

my property or impose a Tree Protection Order (TPO) as that was an option I suggested to Mr Marsh.

Mark Baker, the Canal Ranger, has confirmed that the only record of several types of bats, including Barbastelle, Brown or Grey Long-eared, Leislars, Nathusius' pipistrelle or Natterers, had been recorded in my garden. This and other wildlife depend on owners like me working to enhance habitat. In contrast, the Council had harmed the canal by its failure to monitor the Edenstone development, which has resulted in silt and sewage entering the canal from Turnpike. In that context the Council's claim it "recognises the value of the canal for ecology" rings hollow.

Having regard to the above, and my detailed submission on pages 318 to 334 of the public pack.

Question 1:

By reference to quotes from the report to the relevant public meeting held by Mid Devon District Council in 1994, why did the Council designate No 16 Turnpike to be part of the Canal Conservation Area and, given that the statutory test had not changed in the interim, why had officers now reached the opposite conclusion in respect of the identical site that retains its attractive sylvan character?

Response from the Cabinet Member for Planning and Economic Regeneration:

The Council designated the Grand Western Canal in 1994, the Cabinet Report from October 1994 was not a detailed document and made no specific mention to No.16 Turnpike. There were no other records held by the Council on the decision from 1994 that included No.16 Turnpike. Nevertheless, the review of the Conservation Area was part of the Council's duty to review their conservation areas in accordance with Section 69 (2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF). Specifically when the review of the Conservation Area, Paragraph 197 of the NPPF is relevant which states:

'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'

Nos. 16 and 16A Turnpike were modern buildings which do not contribute to the Grand Western Canal Conservation Area's special interest or significance. There was no known association to the Grand Western Canal in terms of the canal's construction, use for transportation, its history and significance as a heritage asset. The Council recognised the value of the canal for ecology, however, this matter was not relevant to the designation of the Conservation Area in terms of its special historic or architectural interest. Species and habitats are legally protected. This was included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan also seek to protect and enhance habitats and biodiversity. The canal is a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park. Additionally, it remains for the Council to assess whether any of the existing trees, or groups of trees merit the making of a Tree Preservation Order (TPO).

Dermot Elworthy

The review of the status Grand Western canal conservation area, there was no statutory compulsion to affect any changes to the existing arrangements. The current plan was drawn up in 1994.

To propose a proportion of the existing area to be excluded from the revised plans due to a claimed absence of architectural or historical interest in isolation of the contiguous areas and misunderstand the ethos underlying the 1994 scheme. Where the authors had the wisdom and foresight to construct as defined in the present plan.

There was historical area and architectural quality in the conservation area building and spaces which contribute to a sense of place. This was parallel with section 72 of the Planning and listed building conservation area act of 1990 and the Mid Devon Local Plan 2020.

I submit that the sense of place should not only be preserved but extended to include Snakes Wood, the area of architectural land eastwards of the hall and shared a boundary of Little Tidcombe Farm.

Those that seek to make those changes to the conservation area, had over looked the matter of Tidcombe Farm of historical interest.

The Grand Western Canal was possibly the attraction of Tiverton, the canal was important to the residents for many good reason as a feature. The land of the canal for more than a mile was the first open space and views to the south were a change and it was vital the land remained in the existing area.

The area revision should not be in isolation and should be protected from expected developers. Over 4000 public objections in respect to the proposal and dismissed at a previous meeting and would be the proposal to the Grand Western Canal and therefore would ask the committee to support this?

The Deputy Leader stated that Mr Elworthy would receive a written response to his questions in the usual way and in a 'timely manner'

Barry Warren

Mr Warren had registered to speak at the meeting as from the published agenda to have some clarification on some of these items. However, due to procedures and processes of the administration in relation to responses that had been received following the recent Scrutiny Committee and had been copied and pasted.

As Mr Warren's statement was not in relation to an item on the agenda, the Chair advised him to use an alternative method.

Question 1: Why?

The Deputy Leader as Chair reminded the Mr Warren his question needed to relate to the agenda.

Tim Bridger

Any petition with over 1500 signatures should be debated by full Council, over 4000 signatories from around the world the majority of whom had visited or lived in Mid Devon over 1700 were still residents.

The basis for the review was your contention that the revised NPFf contained startling new rules regarding conservation areas, and that there was an active body of case law allowing appeals on the basis that an established conservation area lacked historical merit. Whilst I'd happily bet that a vanishingly few people had read the actual text of the NPFf, there was not in fact any new direction within them regarding re-evaluation of existing conservation areas. There was one mention of conservation areas, paragraph 197 on page 57 of 64 - and it referred to the practice of making new conservation areas to try to thwart developers, not to existing conservation status areas. Still, why let facts get in the way of a good little land grab?

I can understand the Leader not wanting to read what other people had to say, but indeed even whilst officers were recommending that Tidcombe Hall fields be retained within the conservation area. Again, details matter why let the fact that the officers recommendation was we had been listened to or stand in the way.

Should the Cabinet wish to actually read the revised NPFf, they would find written through it the concept of 'beauty', 'place', and 'local character and distinctiveness'. These were the elements of the conservation area that had been successfully defended up until this point, and the threat to Snakes Wood and the knock-on effect of opening up adjoining land to development would severely undermine the local character and distinctiveness that add to the beauty of the place.

Therefore, I contend that Cabinet cannot take any decision today on the conservation area, without contravening their own constitution, minor detail for this administration, no doubt - and that when it would correctly brought before them at a future date, they follow the clear instructions of the public and take off the table any reduction to the conservation area.

In relation to item 14 no update on the unfair increases to leisure charges that was asked for at Full Council, and further note that the exclusion of press and public goes against the supposed 'commitment' to transparency which was such a notable absence for this administration.

Finally with regard to item 9, Budget Monitoring, there was a charge of £38k for a 'leadership restructure' I am sure I am not the only Mid Devon resident who can see a much more simple and cost effective alteration to the leadership, that would benefit every person and would precipitate the necessary sea-change in culture, transparency, and accountability that this Council so badly needs. Your conduct demeans the office of leader.

80. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:50:00)

Members were reminded of the need to make declarations of interest where appropriate.

81. MINUTES OF THE PREVIOUS MEETING (00:50:15)

The minutes of the previous meeting held on 15 October 2024 were **APPROVED** as a correct record and **SIGNED** by the Deputy Leader.

82. **MID DEVON GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (00:50:40)**

The Cabinet had before it a report * from the Director of Place and Economy on the Mid Devon Gypsy and Traveller accommodation assessment report.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The number of pitches that were needed to provide permanent new homes for gypsies and travellers and plots to provide permanent new homes for travelling showpeople in the period 2023 to 2045.
- The interim targets were needed for development management purposes and would provide the basis for 5 year supply calculations. Those targets would also be included in the new local plan for the Council.
- The National Planning Policy required the Council to undertake an assessment of the housing needs for different groups in the community. This included the housing needs of gypsies, travellers and travelling showpeople.
- The assessment of the housing need provided technical information that could be used to help inform the preparation of the development plans and other plans, programmes and strategies, and also the determination of planning applications.
- A new Gypsy and Traveller Accommodation Assessment for Mid Devon had been undertaken by consultants “Opinion Research Services” and the final report was completed in September 2024. Similar studies had also been completed for Teignbridge District Council, Exeter City Council and East Devon District Council. The assessment replaced the previous assessment that was completed in 2015 and the findings of that study.
- The interim targets included the provision for: households that met the national planning definitions for gypsies, travellers and travelling showpeople; Households whose status was ‘undetermined’ (those who were unable to be interviewed), and also households that had not currently met the national planning definitions.
- This approach ensured that all the identified housing needs of the travelling community in Mid Devon were taken into consideration and would be planned for. It would provide headroom to mitigate where sites with planning permission may not come forward. Crucially, it would help ensure the Council met the duties of the Equalities Act 2010 and Housing Acts of 1985 and 2016.
- The assessment provided a forecast of housing needs based on travelling households who were residing on established sites in Mid Devon at the time of the survey. The household interviews undertaken for the assessment had identified no households living in other local authorities with a need to move to a site in Mid Devon.
- The Cabinet would note that the assessment had been unable to recommend targets for transit sites. This was due to the absence of detailed and consistent data that would be required through the monitoring of encampments across local authority areas. Officers would be investigating with colleagues from other local planning authorities on how to move forward.

- The recommendations included in the report had been considered and endorsed by the Planning Policy Advisory Group.

Discussion took place regarding:

- The Gypsy Traveller Accommodation Assessment had not been able to make recommendations about the need for the provision of transit sites in Mid Devon and the working progress of this.
- When visitors came to transit sites they would bring their own accommodation for a short time.
- More data in regards to transit sites to be provided at a later stage.

RESOLVED that:

1. The contents of this report and the Mid Devon Gypsy and Traveller Accommodation Assessment (Appendix 2) be **NOTED**.
2. The recommended interim targets included in Table 1 and Table 2 of this report to help guide decisions taken on planning applications for pitches to provide homes for gypsies and travellers and plots to provide homes for travelling showpeople be **APPROVED**.

(Proposed by Cllr S Keable and seconded by Cllr G DuChesne)

Reason for decision: As stated in the report

Note: * Report previously circulated.

83. **TIVERTON EASTERN URBAN EXTENSION, AREA B MASTERPLAN (01:05:04)**

The Cabinet had before it a report * from the Director of Place and Economy on the Tiverton Eastern Urban Extension, Area B Masterplan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The Tiverton Eastern Urban Extension (EUE) was a 153ha site, allocated for development, to the east of Tiverton. It already benefited from an adopted Tiverton EUE Masterplan Supplementary Planning Document but this Masterplan did not cover the whole of the site in detail due to the absence of some site-wide survey work on land to the rear of properties on the southern side of Post Hill. This area of land was now known as Area B.
- The Local Plan reviews required the completion of a masterplan for Area B ahead of a planning application on the area. Recently, West County Land had been proactively working with the Area B allocation land and considered the future form of development in relation to this land. This had resulted in the Stage 1 consultation material available within the reports pack, produced in consultation with the Council.
- The consultation material set out some emerging ideas for Area B including some particular points that the public would be consulted on.

- Those included: a new point of access from Post Hill including changed prioritisation of traffic; the location for the formal sports included on the southern side of the former railway line; up to 10 units being served off Mayfair; and a street pattern for the main through route being more traditional (informal) in layout and design.
- The public consultation would commence on the 20 November 2024 through to 10 January 2025.

Discussion took place regarding:

- The earlier plans and the concerns of the size of the schools and any clarity on the proposed site and that it would meet national standards.
- The turning at the top of Post Hill and the rationale behind this.
- The problems that may occur in regards to Area B.
- The concerns regarding the Mayfair through road and the access to 10 properties as previously the Council had a commitment that there would be no vehicle access.
- The traffic calming methods that were currently in Blundell's Road and the calming methods that were proposed.
- Would Ward Members and those interested be offered a site visit to examine the area?

RESOLVED that:

1. The Tiverton EUE Area B public consultation materials (Appendix A) for a Stage 1 public consultation be **APPROVED**.
2. That delegated approval was given to the Director of Place and Economy, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to make or approve any minor amendments to the consultation materials.

(Proposed by Cllr S Keable and seconded by Cllr G DuChesne)

Reason for decision: As stated in the report

Note: * Report previously circulated.

84. **CULLOMPTON TOWN CENTRE RELIEF ROAD (01:23:52)**

The Cabinet had before it a report * from the Director of Place and Economy on the Cullompton Town Centre Relief Road.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- At the Cabinet Meeting on the 4 June 2024, Members received an update on various strategic transport infrastructure schemes in Cullompton and that, at that time, the Council were awaiting a decision from Homes England regarding the possibility of additional funding to ensure delivery of the Cullompton Town Centre Relief Road. This decision had been deferred as a result of the general election that subsequently occurred in July 2024.

- In August, Homes England subsequently confirmed a positive decision by its Board to make available the full funding needed to deliver this hugely important scheme.
- This progress was vastly significant given that the Town Centre Relief Road was of key importance to improve the amenity of the town centre, tackle air quality problems and unlock housing in the area. Furthermore, the vast majority of Cullompton residents were keen to get this scheme delivered, with 92% of local residents supportive of the Relief Road proposal when asked earlier in 2024.
- Since that time, officers had been working hard to continue to progress the scheme. Proactive and positive steps had been taken in relation to the relocation of the Cricket Club, remobilisation of the design team and in making meaningful progress with Tesco in relation to the purchase of its land required to deliver the Relief Road. The latter had recently taken a welcomed and positive step in confirming the sale (subject to contract) of its land to support delivery of the road.
- Building-on and continuing this progress, the report provided an update, but also sought authority to enter into updated agreements with Homes England and Devon County Council which were necessary in order to now fully enable delivery of the Relief Road.
- The Homes England Grant Funding Agreement issued to Mid Devon was set out in a standard form and was an updated version of the previous contractual arrangements that were with them for the initial Housing Infrastructure Grant. Officers, including the Legal Services Manager, had reviewed the draft Agreement and would continue in negotiating and discussing specific matters and wording with Homes England.
- Similarly, the agreement with Devon County Council was also being updated to reflect the latest Homes England requirements and to ensure that the funding could readily be made available to the County Council to enable delivery of the road within the availability period of the grant funding. It should be noted that inflation and contingency had been allowed for within the project cost estimates/funding envelope and that the Council's cost liability would not exceed the funding envelope as set out. As Delivery Partner, Devon County Council would be responsible for delivery of the project - including cost, risk and programme. Updated and strengthened governance arrangements were being put in place to provide delivery assurance to the Council and to create a strong platform for delivery of this key infrastructure. Devon County Council was expected to also take a paper before its Cabinet in December 2024.

Discussion took place regarding:

- Was the agreement with Homes England binding once the Council entered it and could Homes England withdraw their funding once the agreement had been signed?
- At what point would the Relief Road become certain? Was it upon contract signing or at any other critical decisions point where the project could fail?
- Were there any alternative options to Devon County Council as a delivery partner in terms of value for money or contingency plans?
- The grant from Homes England and would this be recouped from S106 contributions and the fund retained by the Council for further potential infrastructure projects. Would these funds be ring fenced for infrastructure that would benefit Cullompton?

RESOLVED that:

- i. The entry into an updated Grant Funding Agreement with Homes England to secure £33.5 million of Housing Infrastructure Fund monies and grant delegated authority to the Director of Place and Economy in consultation with the Section 151 Officer and Director of Legal, People and Governance to finalise and sign the agreements in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**
- ii. The entry in to an updated Agreement with Devon County Council (as Delivery Partner) to enable delivery of the Relief Road by the County Council as Highways Authority, in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**
- iii. The use of Homes England Capacity Funding (£109,150) to support work streams during this financial year (2024/25) be **APPROVED**
- iv. To grant delegated authority to the Director of Place and Economy in consultation with the Section 151 Officer and Director of Legal, People and Governance to enter into any subsequent legal agreements should they become necessary to facilitate the completion of the project and in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**

(Proposed by Cllr S Keable and seconded by Cllr J Buczkowski)

Reason for decision: As stated in the report

Note: * Report previously circulated.

85. **GRAND WESTERN CANAL CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN (01:49:00)**

The Cabinet had before it a report * from the Director of Place and Economy on the Grand Western Canal Conservation Area Appraisal and Management Plan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The Grand Western Canal Conservation Area Appraisal and Management Plan, including the amendments to the extent of the Grand Western Canal Conservation Area be formally adopted.
- Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stated that local authorities shall from time to time determine which parts of their area were areas of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance.
- The Grand Western Canal Conservation Area was adopted in 1994, and had not been subject to a review or had proposals for its preservation and enhancement published.

- The Council had prepared the Conservation Area Appraisal and Management Plan in order to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), as amended in December 2023.
- This Appraisal & Management Plan was far superior and much more robust than the 1½ page brevity of the 1994 Report and it now had taken into account the changes in methodology and best practice.
- A full and comprehensive public engagement and consultation exercise on the draft document had taken place. The report included a summary of the public consultation and the key issues raised. All comments received were reported in full within Appendix 2, together with the Council's response and the changes that had been made to the Conservation Area appraisal.
- The specific changes made to the document following the public consultation included:

Land adjacent to Tidcombe Hall, Tiverton – The Council had been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and had contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore had sufficient special interest to justify the retention in the Conservation Area and this approach was consistent with the National Planning Policy Framework (NPPF).

Pondground Cottage, Holcombe Rogus – The Council had been made aware that Pondground Cottage and the adjacent land had historic links to the nearby quarries and the canal. It was therefore proposed to retain this area within the Conservation Area boundary. This approach was consistent with the NPPF requirement to ensure that Conservation Areas had sufficient architectural or historic interest to warrant designation.

Area of woodland known as 'Snakes Wood', Tiverton – The boundary of the Conservation Area adjacent to Snakes Wood had been amended to include the canal's embankment. Residents who were opposed to the de-designation of the woodland and had raised a variety of points including ecology, wellbeing and health as positive attributes for the area. Local planning authorities should ensure that an area justified designation because of its special architectural or historic interest. This area of woodland was not of architectural or historic interest and therefore de-designation of the area was consistent with the NPPF requirement to ensure that Conservation Areas had sufficient interest to warrant designation. This approach was consistent with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

The Council recognised the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. The Council acknowledged the public appreciation of the values of conservation including wildlife. The public could be reassured that the Council had other ways to secure the value of sites like 'Snakes Wood' both within the policies of the Council and the biodiversity duty on the Council. This was a future task of the Planning, Environment & Sustainability Policy Development Group. However, those matters were not relevant to the designation of the conservation area in terms of its special historic or architectural interest. Those matters were supported through other

work of the Council as a Local Planning Authority and the promotion by the Council as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats were legally protected. This was also included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Council Local Plan also sought to protect and enhance habitats and biodiversity. The canal was a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park.

Snakes Wood was designated as an area of Ancient Woodland and also a Country Wildlife Site. The canal and Snakes Wood were protected and managed through these designations.

A number of letters had been received following the public consultation and the publication of the report for this meeting. The Council had acknowledged this as they drew attention to the ecological value of the canal and Snakes Wood. The Council had already given careful consideration to this matter in the responses within Appendix 2 and those letters would be responded to in due course.

The recommendations included in the report had been considered and endorsed by the Planning Policy Advisory Group.

Discussion took place regarding:

- Members had attended Parish Council meetings and that Sampford Peverell Parish Council had took part and visited people in the community in regards to the consultation.
- The exercise that had been undertaken in regards to the consultation had been appropriate and fully consulted with by those affected.
- The Grand Western Canal Joint Advisory Committee were supportive of the work undertaken by officers.
- The protection of Snakes Wood and whether the Council could further protect the woods.
- The accusation that had been made to the Council and the perceived lack of openness and transparency.
- The Process and the Council's duty to review conservation areas.
- The consultation and correspondence that had been received with regards to the Grand Western Canal.
- The Tidcombe Hall area and two previous planning applications that had been refused.
- The concerns about the conservation area status on the canal and the history of the canal.

RESOLVED that Cabinet recommend to Council that:

1. The Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed amendments to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and used to assist in the process of determining planning

applications and for implementing management proposals be formally **ADOPTED**.

(Proposed by Cllr S Keable and seconded by Cllr J Buczkowski)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

86. **2024/2025 QUARTER 2 BUDGET MONITORING REPORT (02:18:05)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Quarter 2 Budget Monitoring Report.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- Cabinet were asked to note that the improved projected Outturn position for the General Fund was a £398k underspend. This was a significant improvement on the budget and the financial position compared to previous years.
- In regards to income, as outlined in the quarter 1 report, there continued to be areas where the Council had some large variances from budget, both under and over.
- This mainly reflected economic circumstances with Planning and Building Control income, which was lower than forecast due to the stagnation of the housing market. However, those were more than offset by areas that were forecasted to be well ahead of budget in areas such as Waste and Leisure, where recyclable prices were currently strong and Leisure Centre membership where numbers had increased.
- Regarding the expenditure, the key element was the salary budget. There were some significant variances, with underspends through prudent management of costs in services such as Finance, Human Resources (HR) or Legal, or overspends in Information and Communications Technology (ICT) or Environmental Enforcement.
- Although projected to be significantly lower than previous years, the requirement for agency staff was higher than expected. Areas of particular pressure were Waste, Finance, Legal and Planning Enforcement. The main Service variances were explained in Appendix B, with key income forecast shown within Appendix C, and staffing variances within Appendix D.
- The Housing Revenue Account (HRA) also showed a healthy underspend of £315k. This was largely due to staff savings and lower interest costs, but was partially offset by a lower than budgeted investment yield and increased costs of void properties.
- The capital programme had been reviewed and a new deliverable Budget for projects starting in 2024/25 was proposed, The budget was reduced by nearly £5m, made up of over £3m from projects that were no longer going ahead; £1.8m from projects that had been delayed until a future year; £1m from projects reducing in scope; £0.9m from projects being delivered ahead of schedule; and £0.300m from a new project following a successful grant bid.

- There was a sizable variance (£14.6m) against that revised 2024/25 deliverable Budget including £16.5m that would slip into future years, slightly offset by £2m overspend. There were two main reasons including movements in the HRA Development Programme and delays in the Cullompton Town Centre Relief Road which had now reached confirmation of funding being secured.
- Regarding 3Rivers, an application had been submitted on 28 August 2024 to Companies House for the company to be voluntarily struck off, the Council were in the very final few days before it was fully closed. There had been no issues.
- Work was in progress with the conversion of St George's Court into an over 60's community through the HRA, with the first properties included on the tenancy lists and occupation expected before Christmas. The unsold units at Bampton continued to be marketed and had recently generated meaningful interest but to date no offers had been received and would be kept under review.

RESOLVED that:

- i. The financial monitoring information for the income and expenditure for the six months to 30 September 2024 and the projected outturn position be **NOTED**.
- ii. The use of Waivers for the Procurement of goods and services as included in Section 8 be **NOTED**.
- iii. The update on the soft closure of 3 Rivers Developments Ltd be noted.
- iv. The revisions to the 2024/25 Deliverable Capital Programme total be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

87. 2024/2025 QUARTER 2 TREASURY MANAGEMENT REPORT (02:24:02)

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Quarter 2 Treasury Management Report.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- In line with regulations, the mid-year treasury management report required a more in-depth and informative report to be presented to the decision makers about the treasury aspects of the Council's finances.
- The continuation of the current policy and approval of the revised Capital Financing Requirement (CFR), Operational Boundaries and Authorised limits, which were included within paragraphs 5.4 and 5.5.
- In summary, good investment returns had been achieved on the treasury investment due to the slower than expected fall in increased interest rates. However, the rates had begun to fall. The greater yield was also helped by the

slippage on the capital programme enabling higher temporary investments to be made.

- An economic summary provided by the Council's Treasury Advisors, (Link Group), a summary of the deposits at the end of the quarter and the yields that had been achieved.
- No additional borrowing had been required and although potentially up to £6m may be required to be sought from external sources before the end of the financial year, this was lower than originally assumed within the 2024/25 budget.
- Based on the lower Q2 forecast, the report recommended a reduction in the Capital Financing Requirement, leading to a reduction in the Authorised Limit and Operational Boundary for external borrowing.

RESOLVED that Cabinet recommend to Council that:

- i. A continuation of the current policy outlined at paragraphs 4.0 – 4.5 be **AGREED**.
- ii. The changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current financial year at paragraphs 5.4 – 5.5 be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Note: *Cllr S Keable left the meeting at 19:49pm

Reason for the decision: As stated in the report

Note: * Report previously circulated.

88. **TAX BASE CALCULATIONS (02:27:00)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Tax Base Calculations.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- Each year the Council had to set the Council Tax base on which it and all precepting authorities calculated the precept. Within the calculations were the actual number of properties in the district, the reduction due to the Council Tax Reduction Scheme.
- The forecast growth in properties and the likely level of collection – all of which were converted into an Average Band D property.
- For 2025/26, the Council projected there would be 30,732.91 Band D properties, which was healthy growth of 510.81 on the current year and the Council expected to collect 97.5% of the precept as in the current year.
- The additional funding raised through the second homes premium (c£50k) approved in February 2024 would be earmarked for additional housing activity / projects.

RESOLVED that Cabinet recommend to Council that:

- That the calculation of the Council's Tax Base for 2025/26 in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,732.91 an increase of circa 510.81 Band D equivalent properties from the previous financial year be **APPROVED**.
- That the current collection rate of 97.5% remain the same detailed in Section 2 be **APPROVED**.
- The premium charges in 3.7 & 3.8. The premium element of 3.7 will be used to support additional housing activity/projects to be **NOTED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr D Wulff)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

89. **CAR PARKING SPACES AT HALBERTON (02:30:32)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on the Car Parking Spaces at Halberton

The Cabinet Member for Housing, Assets and Property Services and Deputy Leader outlined the contents of the report with particular reference to the following:

- Cabinet to consider the current proposal from Halberton Parish Council regarding the future arrangements of the 5 car parking spaces at the Orchard, Halberton.
- The report demonstrated that the Council worked with and liaised constructively with its Parish Councils.

Discussion took place regarding:

- Members were grateful for all the work that had gone into the current proposal.
- This report was a great example of working and engagement with Town and Parishes.

RESOLVED that:

The operation of the 5 car parking spaces at The Orchard, Halberton on a commercial basis as identified in paragraph 1.2 be **AGREED**.

(Proposed by the Deputy Leader as Chair)

Reason for the decision: As stated in the report

Note: * Report previously circulated.

90. **ACCESS TO INFORMATION- EXCLUSION OF PRESS & PUBLIC (02:33:00)**

The Chair stated that discussion with regard to the next item, required Cabinet to pass the following resolution to exclude the press and public having reflected on

Article 12 12.02 (d) (a presumption in favour of openness) of the Constitution. This decision was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet decided, in all circumstances of the case, the public interest in maintaining the exemption, outweighed the public interest in disclosing the information.

RESOLVED: That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the next item, for the reason set out below:

Information under paragraph 3 (contains information relating to the financial or business affairs of any particular person including the authority holding that information).

(Proposed by the Chair).

91. **LEISURE MANAGEMENT SYSTEM UPDATE (02:34:00)**

The Cabinet had before it a report * from the Head of Revenues, Benefits and Leisure on the change to the Leisure Management System update.

The Cabinet Member for Service Delivery and Continuous Improvement gave a verbal update. Following discussion and having returned to open session, the Chair highlighted the following:

- The Cabinet had noted the update provided on the leisure management system, this was following Cabinets approval on the 4th June, for the digital transformation of the Leisure Service, a tender process for 'lot' (2.0) commenced.
- This was an update on the progress of the project.
- The Leisure team worked closely with Procurement throughout.
- The tender attracted a lot of interest through the ProContract portal with over 30 companies initially registering an interest. Nine companies underwent evaluation and moderation and had now successfully awarded to the preferred bidder.

Discussion took place regarding:

- The nine companies that underwent the evaluation.

RESOLVED that:

The Leisure Management System update be **NOTED**.

(Proposed by Cllr S Clist as Chair)

Note: * Report previously circulated

92. **NOTIFICATION OF KEY DECISIONS (02:35:30)**

The Cabinet had before it, and **NOTED**, the Notification of Key Decisions *.

The Clerk identified the changes that had been made to the list since it was published with the agenda. This included the following:

- The Housing Rents had been added to 10 December 2024 meeting.
- The Investment in Community Land Trust projects using Devolution funding had been added to 7 January 2025 meeting.

Note: * Key Decisions report previously circulated.

(The meeting ended at Time Not Specified)

CHAIRMAN

Report for: Cabinet

Date of Meeting:	12 th November 2024
Subject:	Grand Western Canal Conservation Area – Appraisal and Management Plan
Cabinet Member:	Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	None
Wards Affected:	Tiverton Cranmore, Halberton, Canonsleigh
Enclosures:	Appendix 1 – Grand Western Canal Conservation Area Appraisal and Management Plan; Appendix 2 – Public Consultation comments and officer response

Section 1 – Summary and Recommendation(s)

The Grand Western Canal Conservation Area was adopted in October 1994. However, it is without a Conservation Area Appraisal or Management Plan and the Conservation Area designation has not been subject to a review. The Council has prepared the Conservation Area Appraisal and Management Plan in order to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), as amended December 2023.

Mid Devon District Council was required to carry out a public consultation on the proposed Conservation Area Appraisal and Management Plan or any variation to the conservation area. The public consultation period was for 8 weeks and included two public meetings at Phoenix House, Tiverton.

This report considers the results of the consultation and recommends a course of action.

Recommendation(s):

That Cabinet recommends to Council that:

- 1. The Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed**

amendments to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), be formally adopted and used to assist in the process of determining planning applications and for implementing management proposals.

Section 2 – Report

1.0 Introduction

- 1.1 Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that local authorities shall from time to time determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. This does not include the consideration of nature / ecological conservation or other matters such as an area's economic and amenity value.
- 1.2 The District includes 51 Conservation Areas. The 'oldest' Conservation Area designation was made in 1971 for Coleford, with many others designated in the 1980s and 1990s but which have not been subject to an appraisal since. It is the duty of a local planning authority from time to time to review the conservation area and Historic England's guidance advises this should be undertaken every five years, resources permitting. The Council has produced Conservation Area Appraisals and Management Plans for 17 of the Conservation Areas, with the most recent being completed in 2022 for Cullompton. There are 35 Conservation Areas that do not have appraisals and there will be a need to prioritise these according to their 'at risk' status and pressure from development. The Grand Western Canal Conservation Area was selected since it has not been reviewed through an appraisal since its designation in 1994, given its geography in relation to Tiverton and several villages (Halberton and Sampford Peverell) where up to date heritage technical information will be needed to help inform the preparation of a new local plan for Mid Devon, and that the appraisal would cover an extensive transect of the district, and given its overall significance within the District. Once this appraisal has been completed it is anticipated that officers will commence the appraisal of Conservation Areas at Tiverton and also Bow, which Historic England has identified on its heritage at risk register.
- 1.3 Section 71 of the 1990 Act states that the local planning authority shall formulate and publish proposals for the 'preservation and enhancement' of any parts of their area which are conservation areas. The Grand Western Canal Conservation Area Appraisal and Management Plan (CAAMP) is the mechanism by which the local authority defines the special interest of the conservation along the canal, which is an important heritage asset for the district. The appraisal has provided an opportunity to review the boundary of the conservation area to ensure that the area justifies designation because of

its special architectural or historic interest, and so that the concept of conservation is not devalued through the designation of area that lack special interest.

1.4 The Cabinet approved a draft Grand Western Canal Conservation Area Appraisal and Management Plan at its meeting on 4th June 2024 for the purpose of being consulted on. The Council has undertaken a full and comprehensive public engagement and consultation exercise on the draft document. The public consultation was held over an 8 week period between the 22nd July – 16th September 2024 and two ‘drop-in events’ were held at Phoenix House, Tiverton. The ‘drop-in events’ were held on the 23rd July and the 5th September. The second consultation event (5th Sept) was held later in the day/early evening to support attendance from those who work during the day. During the public consultation the draft Grand Western Canal Conservation Area Appraisal and Management Plan was available on the Council’s website as well as printed copies at the Council offices and library at Phoenix House.

1.5 This report sets out the key issues within the Grand Western Canal Conservation Area Appraisal and Management Plan (**Appendix 1**), records the results of the consultation exercise and the changes proposed.

2.0 The Grand Western Canal Conservation Area Appraisal and Management Plan

2.1 The Grand Western Canal Conservation Area Appraisal and Management Plan includes:

- A summary of the history of the Grand Western Canal’s development, an assessment of its historic and architectural interest and mapping showing various details of spatial analysis.
- Proposed amendments to the existing boundary of the Grand Western Canal Conservation Area. This includes rationalisation of the boundary where it crosses the curtilages of properties.

2.2 The adoption of the Grand Western Canal Conservation Area Appraisal and Management Plan will support the Council’s Corporate Plan 2024 - 2028 and heritage strategy as set out in the Mid Devon Local Plan 2013 - 2033 (Policy DM25). The Grand Western Canal Conservation Area and Management Plan can be given weight as a material consideration in planning decisions.

3.0 Results of the public consultation on the Grand Western Canal Conservation Area Appraisal and Management Plan

3.1 The Grand Western Canal Conservation Area Appraisal and Management Plan begins with a section detailing the context and general character of the Conservation Area, then sets out the development of the area over time. It then details specific subject areas, including: alterations to the Conservation Area

boundary, designated and non-designated heritage assets, heritage at risk, assessment of the Conservation Area's significance, its setting, and opportunities and management proposals.

- 3.2 This section of the report details the key issues raised through the comments received.
- 3.3 The comments received are reported in full within **Appendix 2**, together with the Council's responses to these and what changes have been made to the Conservation Area Appraisal. The amended Grand Western Canal CAAMP can be found at **Appendix 1**.
- 3.4 The Council received a total of 119 representations from local residents, parish councils, local history groups and statutory consultees. This included 49 representations submitted at the 'drop-in' sessions.
- 3.5 The majority of representations received were in relation to the proposed changes to the Conservation Area boundary and raised concerns, this came to approximately 68% of all comments received. The following areas were the most referred to:
- Land adjacent to Tidcombe Hall, Tiverton; and
 - The area of woodland also known as 'Snakes Wood', Tiverton.
- 3.6 Within the above figure, approximately 34% of the responses received made comments and raised concerns about potential future development.
- 3.7 In addition, a further 18% (approximately) of all responses received raised concerns about the ecological impact of the proposals regarding the woodland known as 'Snakes Wood', Tiverton.
- 3.8 Other comments included:
- Burlescombe Parish Council raised the matter of an extension to the boundary to include Whipcott Lime Kilns and Tramway;
 - Members of the public and the Tiverton Civic Society raised the matter of an extension to the boundary to include Tidcombe Farmhouse;
 - Members of the public raised concerns about the proposal to de-designate Nos. 16 and 16a Turnpike, Sampford Peverell;
 - The Four Villages Environmental group raised concerns about the proposed de-designation of woodland north of Whipcott and the area by Pondground Cottage, Holcombe Rogus;
 - Tiverton Civic Society raised concerns about the area of land to the west of Rock House by Halberton, and Snakes Wood, both of which are proposed for de-designation.

Historic England was consulted and offered no comments in response to the consultation.

3.9 All comments received have been carefully and fully considered, and further investigation has been undertaken where necessary in relation to information provided to the Council and the issues that have been raised. Appendix 2 includes summaries of the revisions made as a result of the comments and these are detailed below.

3.10 The Council is aware that a petition was organised relating to the Canal Conservation Area but, at the time of writing this report, no petition had formally been presented to the Council.

4.0 Proposed amendments to the Conservation Area Appraisal and Management Plan

4.1 The following specific changes are proposed to be made to the document following the public consultation:

- **Land adjacent to Tidcombe Hall, Tiverton** – The Council has been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and this contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore has sufficient special interest to justify its retention in the Conservation Area and this approach is consistent with the NPPF.
- **Pondground Cottage, Holcombe Rogus** – The Council has been made aware that Pondground Cottage and the adjacent land has historic links to the nearby quarries and the canal. It is therefore proposed to retain this area within the Conservation Area boundary. This approach is consistent with the NPPF requirement to ensure that Conservation Areas have sufficient architectural or historic interest to warrant designation.
- **Area of woodland known as ‘Snakes Wood’, Tiverton** – The boundary of the Conservation Area adjacent to Snakes Wood has been amended to include the canal’s embankment. Residents who were opposed to the de-designation of the woodland have raised a variety of points including ecology, wellbeing and health as positive attributes for the area. Local planning authorities should ensure that an area justifies designation because of its special architectural or historic interest¹. The area of woodland is not of architectural or historic interest and therefore de-designation of the area is consistent with the NPPF requirement to ensure that Conservation Areas have sufficient interest to warrant designation. There is potential for Snakes Wood to be made a Tree Preservation Order (TPO). However, this is currently unlikely and will require investigation. There will remain the opportunity for the Council to assess whether any of

¹ ‘Chapter 16: Paragraph 197’, *The National Planning Framework*, The Department for Levelling Up, Housing and Communities, December 2023

the existing trees, or groups of trees at Snakes Wood merit the making of a Tree Preservation Order (TPO) in the interests of amenity. Snakes Wood is a designated County Wildlife Site and species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan, including Policy S1 Sustainable development priorities, Policy S9 Environment, and Policy DM28 Other protected sites, also seek to protect and enhance habitats and biodiversity.

- 4.2 Other changes to the document include the updating of addresses where relevant and minor amendments to the text.

5.0 Groups Consulted

- 5.1 The Planning Policy Advisory Group (PPAG) was briefed about the consultation responses and recommended amendments made to the draft Grand Western Canal CAAMP, at its meeting held on 23rd October. The group has endorsed the recommendations in this report.

6.0 Next Steps

- 6.1 Subject to Cabinet approval the updated Grand Western Canal Conservation Area Appraisal and Management Plan attached in **Appendix 1** will be reported to the Full Council for formal adoption.
- 6.2 The formal adoption of the Grand Western Canal Conservation Area Appraisal and Management Plan by the Council will be advertised in the London Gazette and local newspaper as required by The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

7.0 Conclusion

- 7.1 The Grand Western Canal Conservation Area Appraisal and Management Plan once adopted, will be capable of being a material consideration in the determination of planning, listed building consent and advertisement consent applications relating to the Grand Western Canal Conservation Area.

Financial Implications

There are no direct financial implications from the adoption of the Grand Western Canal Conservation Area Appraisal and Management Plan. The process of designating a conservation area entails a small cost to advertise the designation of a new boundary to meet the statutory notification requirements as described in the legal implications section below. This cost can be met from within existing planning budgets.

Legal Implications

The Grand Western Canal Conservation Area Appraisal and Management Plan meets the Council's obligations required by the Planning (Listed Building and Conservation Areas) Act 1990. Under Sections 69 and 71 of the Act, the Council should review conservation area boundaries from time-to-time and formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas. Advice is also given in the Historic England publication - Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1, 2019. This Appraisal forms part of the Council's rolling programme of providing conservation area appraisals for all its designated conservation areas. The principal legal effect of the designation of an area as a conservation area is control over demolition of buildings (including structures classed as buildings in planning legislation) and control over works to trees. In determining applications, the Council also has a duty under the Planning Acts to have regard to the desirability of preserving or enhancing the character or appearance of the area and there are less generous permitted development rights, under the Town and Country Planning (General Permitted Development) Order 2015.

The Planning (Listed Building and Conservation Areas) Act 1990 requires that the designation of a new Conservation Area or variation to it be advertised in the London Gazette, a local newspaper and registered as a local land charge. The Secretary of State (DCMS) and Historic England will also be notified.

The Grand Western Canal Conservation Area Appraisal and Management Plan will not form part of the Development Plan for Mid Devon and is not being prepared as a Supplementary Planning Document (SPD). However, once adopted, it will be capable of being a material consideration in the determination of planning, listed building consent and advertisement consent applications relating to the Grand Western Canal Conservation Area.

Risk Assessment

No risks associated with this report have been identified.

Impact on Climate Change

The Grand Western Canal Conservation Area Appraisal and Management Plan is, by its nature, neutral on climate change.

Equalities Impact Assessment

The Grand Western Canal Conservation Area Appraisal and Management Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics"). It has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise has found the Grand Western Canal Conservation Area Appraisal and Management Plan will have neutral equalities impacts on all protected characteristics. The screening

exercise has concluded the Grand Western Canal Conservation Area Appraisal and Management Plan is not recommended for a full Equalities Impact Assessment.

Relationship to Corporate Plan

The Grand Western Canal Conservation Area Appraisal and Management Plan can help the following priority areas and actions identified in the Council's Corporate Plan 2024 – 2028:

- Planning, Environment & Sustainability;
- Economy and Assets; and
- Service Delivery & Continuous Improvement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 29 October 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 29 October 2024

Chief Officer: Richard Marsh

Agreed by or on behalf of the Corporate Director

Date: 24th October 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 22 October 2024

Cabinet member notified: yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Section 4 - Contact Details and Background Papers

Contact: Thomas Muston, Conservation Officer

Email: tmuston@middevon.gov.uk
Telephone: 01884 234395

Background papers:

[Conservation areas - MIDDEVON.GOV.UK](#)

[Grand-western-canal.pdf \(middevon.gov.uk\)](#)

The Adopted Mid Devon Local Plan (2013-2033): [Adopted Local Plan and Policies Maps - MIDDEVON.GOV.UK](#)

Planning (Listed Buildings and Conservation Areas) Act 1990
<https://www.legislation.gov.uk/ukpga/1990/9/contents>

National Planning Practice Guidance for the historic environment [Historic environment - GOV.UK \(www.gov.uk\)](#)

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Conservation Area Appraisal and Management Plan

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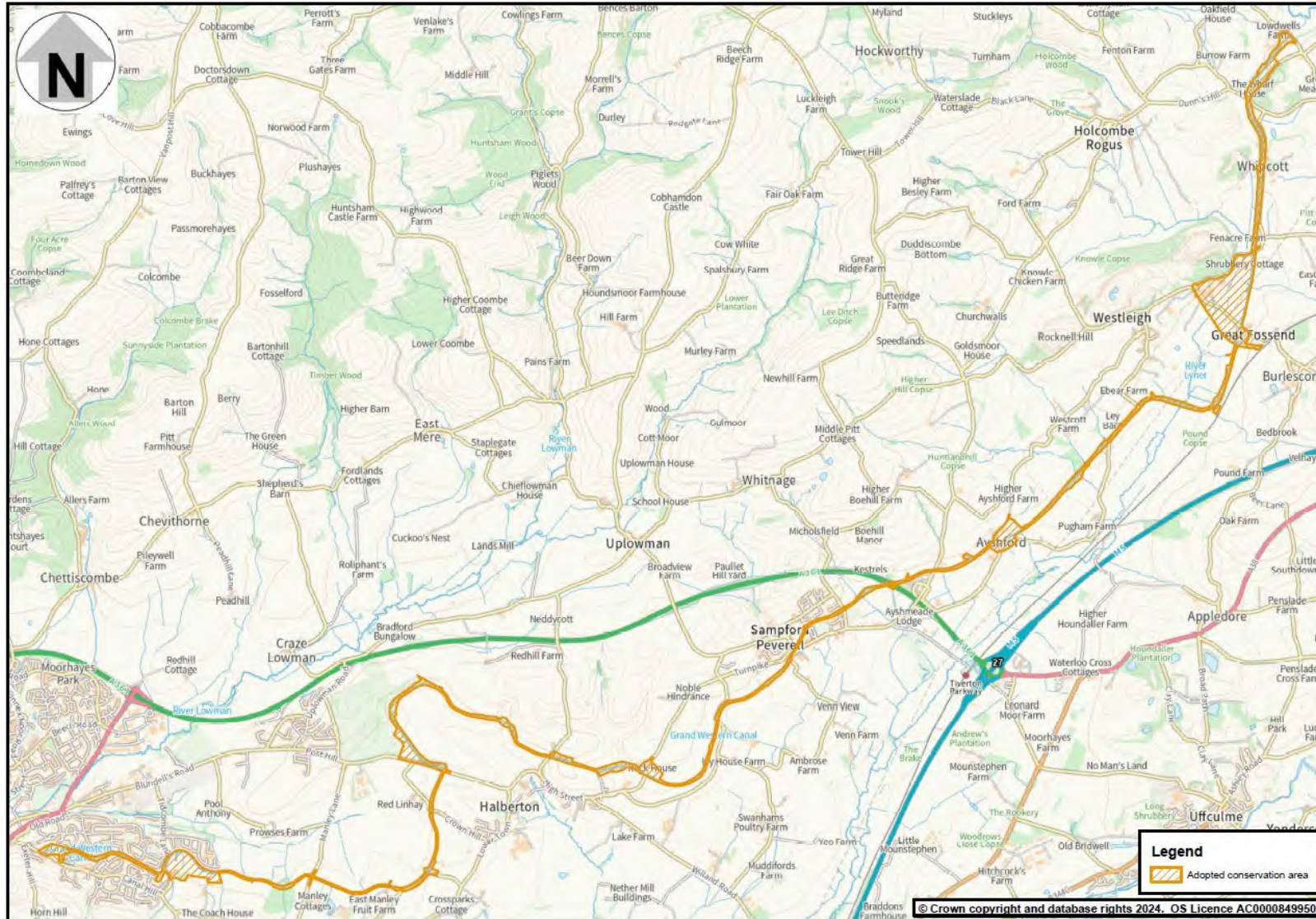
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The Grand Western Canal Conservation Area



The Grand Western Canal Conservation Area

1. Introduction

1.1 Summary of Special Interest

The historic and architectural special interest of the Grand Western Canal Conservation Area is mainly derived from its historic importance as an early form of transportation within the industrial era. The canal has a notable body of historic buildings, this largely being that of the surviving bridges, as well as other buildings and structures associated to the canal along its length.

The Grand Western Canal first began as a scheme to connect the English and Bristol Channels in the late eighteenth-century. Construction of the canal was delayed until 1814, where the first phase of work began at the section close to Westleigh Quarry, as this allowed the transportation of material from the quarry to Tiverton. The layout of the canal and the historic buildings constructed along its length, constructed by the engineer John Rennie, has undergone little change over time. Much of the route of the canal passes through the rural landscape, it connects smaller settlements such as Sampford Peverell and Halberton to Tiverton and the canal would have not only physically influenced the development of these places but also socially, being a large employer. At its height, the canal connected Tiverton to Taunton.

There are buildings of a much earlier date within the Conservation Area, including a Scheduled Monument, these heritage assets are a significant contribution to the Grand Western Canal Conservation Area, its character and special historic interest. The Grand Western Canal and its industrial legacy is evidenced by the surviving examples of limekilns and its historic relationship to the settlements it passes and terminates within. Many of the historic buildings in these places are built from materials transported along its length and despite its closure to commercial traffic the canal continues to have an important relationship to this area of Mid Devon.

The Conservation Area has distinct zones and there are variations in the historic character of each one. This variation is a result of the differing phases of development of the canal and the different character of each area. The Conservation Area status of the Grand Western Canal is intended to preserve the special architectural or historic interest of these areas.

1.2 Purpose of the Appraisal

This document is to be used as a baseline to inform future change, development and design with regard to the sensitivities of the Conservation Area and its unique character. The appraisal recognises designated and non-designated heritage assets within the area which contribute to its special interest, along with their setting. It will consider how the area developed, and its building styles, forms, materials, scale, density, roads, footpaths, streetscapes, open spaces, views, landscape, landmarks, and topography. These qualities will be used to assess the key characteristics of the area, highlighting the potential impact future developments may have upon the significance of heritage assets and the character of the Grand Western Canal Conservation Area. This assessment is based on information derived from documentary research and analysis of the individual character areas.

This appraisal will enhance the understanding of the Grand Western Canal Conservation Area and its development, informing future design. Applications that demonstrate an understanding of the character of a conservation area are more likely to produce appropriate design and positive outcomes.

It is expected that applications for planning permission will also consult and follow the best practice guidance outlined in the bibliography.

The Grand Western Canal Conservation Area

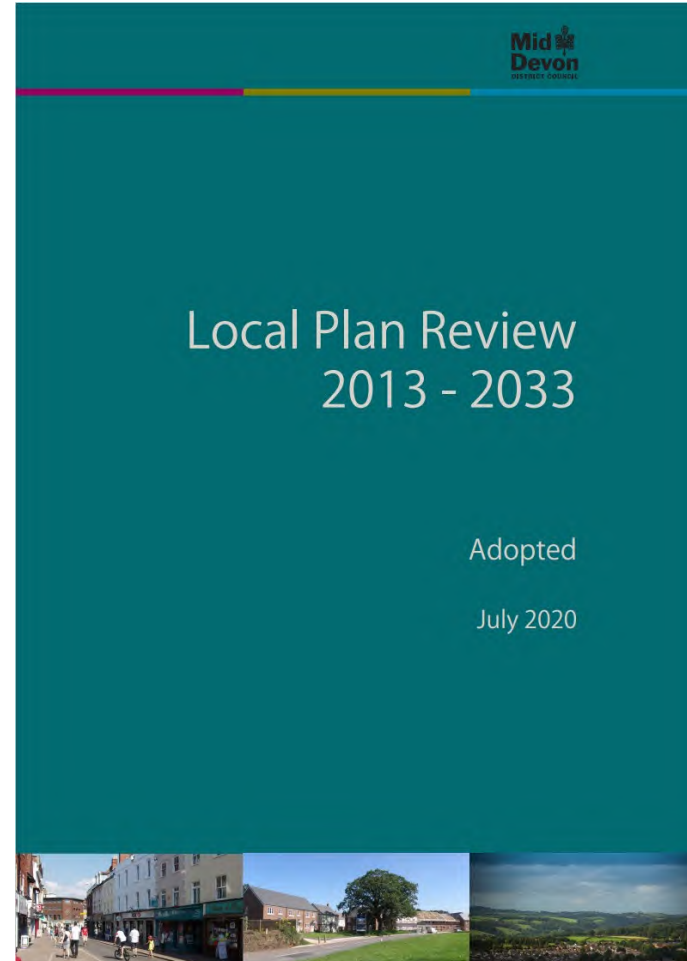
1.3 Location

The Grand Western Canal connected Taunton to Tiverton, other sections of the canal were approved however never built, as initial plans included linking the Bristol Channel to the English Channel. The only surviving section of the canal is located within Mid Devon, 17 miles north of Exeter, running between Tiverton and Lowdells, near Holcombe Rogus.

The geology of Mid Devon is largely that of red marl, sandstones and slates of the Carboniferous period, which make up the Devon Redlands. To the south of the District there are deposits of coarse breccias, also sands and clays are found to the easternmost boundary of Mid Devon.

The Canal runs from Tiverton and passes through the settlements of Halberton, Sampford Peverell and Burlescombe. Tiverton is a historic market town with a population of around 22,000 (*Census 2021*), agriculture has historically been a mainstay of the economy in the region, with the cattle market being located within Tiverton. The rural settlements of Halberton and Sampford Peverell are located along the canal and farming was also of great importance to their economy and development. The canal served these areas through the transportation of goods such as lime which was used upon the fields to control the acidity of the soil.

The Mid Devon District Council Local Plan¹



¹ Mid Devon Local Plan 2013-2033, adopted July 2020.

2. Planning Policy Context

2.1 Planning Policy and Guidance

National Policy

The national legislative framework for the conservation and enhancement of conservation areas and listed buildings is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990). Section 69 of this act requires Local Planning Authorities to designate areas which they consider to be of architectural and historic interest as conservation areas, and Section 72 requires that special attention should be paid to ensuring that the character and appearance of these areas is preserved or enhanced. Section 71 requires the Local Planning Authority to formulate and publish proposals for the preservation and enhancement of these areas.

National Planning Policy in relation to the conservation and enhancement of heritage assets is outlined in Chapter 16 of the Government's National Planning Policy Framework, or NPPF (DLUHC 2023). The NPPF highlights good design as one of twelve core principals of sustainable development. Sustainable development relies on sympathetic design, achieved through an understanding of context, along with the appreciation of the immediate and larger character of the area in which new development is sited.

Local Policy

The Mid Devon Local Plan was adopted July 2020. Strategic policies identify areas of growth including Tiverton (Policy S10), Sampford Peverell (Policy SP1) and others. The Mid Devon Local Plan Review 2013-2033 sets out policies to guide future development.

With regard to Built Heritage the Mid Devon Local Plan includes the following policies:

DM1 High quality design

Designs of a new development must be of high quality, based upon and demonstrating the following principles:

- A) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- B) Efficient and effective use of the site, having regard to criterion (a);
- C) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- D) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;
- E) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - i) Architecture
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration
 - iv) Materials, landscaping and green infrastructure
- F) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;
- G) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- H) Suitable sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with External spaces for recycling, refuse and cycle storage; and
- I) On site of 10 houses of more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.

DM11 Residential extensions and ancillary development

Extensions to existing dwellings and other ancillary development will be permitted provided they:

- a) Respect the character, scale, setting and design of existing dwellings;
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

DM16 Fronts of shops and business premises

Proposals for the alteration, replacement or construction of fronts for shops or business premises must be well proportioned and suited to the character of the building, adjacent buildings and the surrounding street scene. Where security measures such as grilles or shutters are proposed, these should be designed as an integral part of the buildings front, maintaining the visibility of the building's interior and minimising visual impact. Independent ground floor access to the upper floors must be retained.

DM25 Development affecting heritage assets

Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design,

layout and local distinctiveness, and the opportunities to enhance them;

- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).

The Mid Devon Local Plan can be accessed on the Council's website:

[Adopted Local Plan and Policies Maps - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/adopted-local-plan-and-policies-maps)

Neighbourhood Plans

The Localism Act 2011 has provided the opportunity for people to have more say in their local area through the preparation of Neighbourhood Plans. Neighbourhood Plans and the contained policies may also be of relevance to the Grand Western Canal, its Built Heritage and potential future development.

'Made' Neighbourhood Plans can be accessed on the Council's website. The Tiverton Neighbourhood Plan is of relevance to the Grand Western Canal, as part of the Conservation Area falls within this area. With regard to Built Heritage the Tiverton Neighbourhood Plan includes Policy:

- T1: Location and Scale and development in Tiverton
- T4: Character of Development

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- T6: Design of Development
- T8: Local Buildings and Structures of Merit and Heritage Assets at risk

The Tiverton Neighbourhood Plan can be accessed on the Council's website: [Neighbourhood planning - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/Neighbourhood-planning)

Other advice and guidance

Mid Devon District Council has published further guidance upon the historic environment, this includes:

- Design Guide to Windows and Doors- Mid Devon District Council
- Design Guide to Roofs and Chimneys – Mid Devon District Council

Both documents can be accessed on the Council's website: [Design Guidance - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/Design-Guidance)

The Grand Western Canal Conservation Area

2.2 Designation of the Conservation Area

The Grand Western Canal was first designated in October 1994. The Conservation Area has not had a written appraisal or any revisions to its original boundary.

There has been a great deal of change since the Conservation Area was first designated. This document has reviewed the Conservation Area's boundary and special interest to account for the changes that have occurred, including policy, and provides an accurate account of the area as it is today.

The following sections describe the architectural and historic interest of the area which make it worthy of designation.

2.3 Article 4 Directions

The Conservation Area is not currently covered by an Article 4 Direction.

2.4 Revisions to the Boundary

This Appraisal has reviewed the Conservation Area boundary and this has been revised to reflect the changing methodologies of good practice and to provide a robust strategy towards the Conservation Area. This review is in line with the NPPF guidance on Conservation Areas (Paragraph 197).

Maps showing the proposed reductions and additions to the Conservation Area boundary can be viewed within the appendix (Section 7.6).

Proposed Reductions and Adjustments

Tiverton

The boundary shall be adjusted to remove much of the large woodland which is adjacent to the canal, also known as Snakes Wood, close to Manley Bridge. It is recognised that the woodland provides an attractive

setting however it is itself of little historic or architectural interest, or shares any close association to the canal.

Halberton

There is an area of agricultural land included within the Conservation Area to the north, a short distance from Rock House to the east. The existing boundary includes an area of a deep and steeply sided embankment and historic maps show that this area also included an orchard and small quarry. The boundary at this location shall be reduced, removing open areas of agricultural land which has little architectural or historic interest.

Sampford Peverell

The current boundary includes the modern buildings of 16 and 16a Turnpike, to the southwest of Sampford Peverell. The buildings are not of historic or architectural interest, therefore they are to be removed. The large garden with veteran trees forms an attractive setting.

To the northeast of Sampford Peverell is Holbrook Farm. The building is rendered with a slate roof, with UPVC windows and doors. To the rear of the farmhouse is a large industrial/storage building and the yard is utilised for parking or storage. The building is to be excluded from the Conservation Area as it does not have the necessary architectural and historic special interest worthy of conservation area designation.

The Grand Western Canal Conservation Area



Holbrook Farm

Ayshford

Ayshford contains several buildings that make a significant contribution to the architectural and historic interest of the Conservation Area. To the north, the current conservation area boundary follows the canal with an area which projects southward, taking in agricultural land. Historic maps show that there is a sluice at this point however the existing boundary takes in a large area of land that is without historic or architectural interest, thus it is proposed to be reduced.

Burlescombe

Nos.1 and 2 Quarry View are twentieth century dwellings of modern materials including UPVC windows throughout. The buildings are excluded as they do not have the necessary architectural and historic special interest worthy of conservation area designation.

An area of woodland to the north of Whipcott Farm is to be reduced as the land lacks sufficient architectural or historic interest to be included.



Quarry View Cottages

Proposed Additions

Canonsleigh

The boundary as previously designated did not include the limekilns immediately adjacent to the boundary. The limekilns are Grade II listed, thus their architectural and historic significance is recognised by inclusion upon the National Heritage List for England (list entry number: 1106470). It is proposed to include the building within the Conservation Area.

The Grand Western Canal Conservation Area

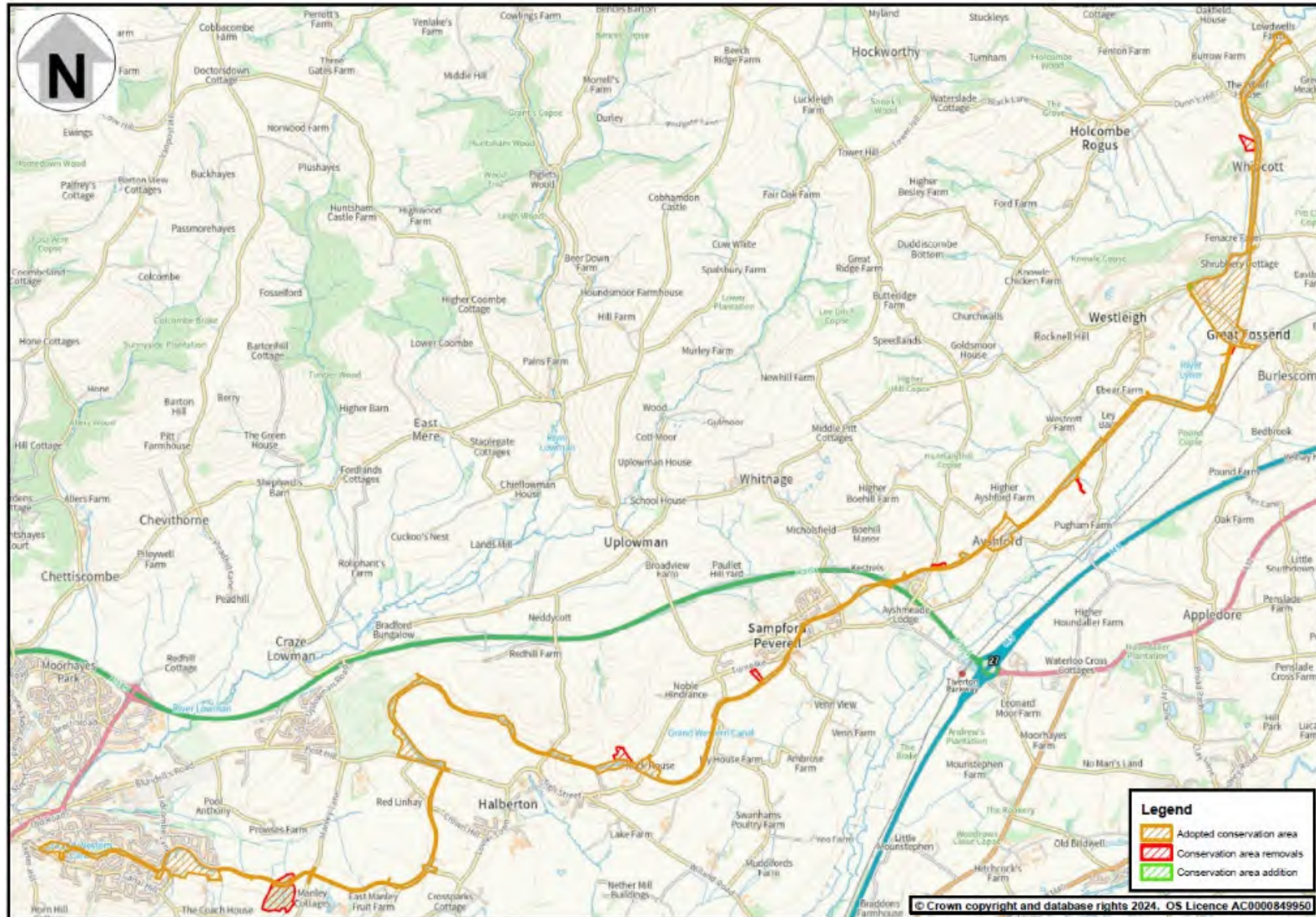


Grade II listed Limekilns

The interactive conservation area boundary map, showing all the proposed additions and removals can be viewed on the Council's website.

The Grand Western Canal Conservation Area

Map of the Conservation Area boundary



2.5 Designated Heritage Assets

There are 34 designated heritage assets within the Grand Western Canal Conservation Area, this includes a Scheduled Monument.

There are three categories of listing, Grade I, Grade II* and Grade II. Grade I listed buildings only account for 2.5% of those included upon the National Heritage List for England (NHLE) and Grade II* for 5.8%. Scheduling is the oldest form of heritage protection for nationally important archaeological sites.

Many of the list entries are of bridges which cross the canal and other structures associated to the Grand Western Canal such as lime kilns. These are as follows: Canal Basin Lime Kilns at NGR SS 9638 (list entry number: 1384779), Limekilns at ST 066 174 (list entry number: 1106470) and Waytown Limekilns (list entry number: 1140142). These lime kilns were built beside the Grand Western Canal which transported limestone and other materials, these are particularly important as the kilns demonstrate the growth of industry along the route, which it also regionally supported. Many of the bridges are also contemporary to the Canal, such as Greenway Bridge, Halberton. Some bridges such as Black Bridge which carried the Mineral Railway Line from Westleigh Quarry were constructed at a later stage.

These buildings and structures have been listed due to their special historic and architectural interest, under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Listed buildings are protected by legislation and there are policies in place to ensure that any alterations preserve or enhance their special interest. It is possible to extend, alter or demolish a listed building but this requires Listed Building Consent and sometimes planning permission.

A full list of all designated heritage assets within the Conservation Area is included on Appendix 7.3. Buildings that make a notable contribution or are prominent within the Conservation are described in more detail within each Character Area, Section 4.2.

2.6 Non-Designated Heritage Assets

All buildings, structures and planned landscapes located within a conservation area make a contribution to its special interest and significance. Many of these may make a positive contribution and some can be identified as making either a neutral or negative contribution.

Heritage assets are defined in the NPPF 'as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Mid Devon District Council has compiled a Local List of non-listed buildings which make an important contribution to the locality. This list is not exhaustive and as part of this appraisal for the Grand Western Canal Conservation Area, buildings or structures have been identified as making a positive contribution and should be considered for inclusion upon the Local List.

The list of heritage assets within this document is also not exhaustive and there is the potential for further identification through the decision-making process on planning applications and neighbourhood plan-making processes.

2.7 Archaeological Potential

Within Mid Devon and the Tiverton area there is longstanding evidence of human occupation, with the Iron Age hillfort site of Cranmore Castle to the southeast of Tiverton.

The Grand Western Canal Conservation Area

The Grand Western Canal is an early nineteenth century feature and there is the low potential for the survival of medieval or earlier archaeological finds in close proximity to the canal due to the original excavations during its construction. However, the canal is of a significant length and there has been some archaeological fieldwork in the immediate environs of the Grand Western Canal. The Grand Western Canal also passes close to or through smaller settlements such as Halberton, which has some evidence of its Saxon origins, including features such as burgage plots. Sampford Peverell and its historic core centres around the church, with the potential for medieval or possibly earlier evidence of occupation.

Much of the Grand Western Canal is located within the rural landscape of Mid Devon and there is evidence of medieval occupation and agricultural activity, as shown by strip fields and visible field boundaries, outside of the Conservation Area. Earlier occupation is also visible from flint scatter however this is more limited.

Within the Conservation Area, the majority of the buildings and structures date from its construction in the nineteenth-century however there are earlier buildings present. The Conservation Area contains the medieval site of Canonsleigh Abbey, a Scheduled Monument (list entry number: 1003830) with the individually listed Gatehouse and ruins of Priory Mill. The site of Ayshford Court (list entry number: 1147581), a fifteenth-century manor house and Ayshford Chapel (list entry number: 1325900) are further evidence of medieval occupation, with possibly earlier origins.

In accordance with Section 16 of the NPPF where development includes, or has the potential to include, heritage assets with archaeological interest a desk-based assessment and, where necessary, a field evaluation should be carried out.

2.8 Heritage at Risk

Historic England publishes a yearly list of Heritage at Risk. To be included on the list, buildings must be Grade II* listed or above, with the exception of Grade II listed places of worship and Grade II listed buildings in London.

Other designated heritage assets can also be included on Historic England's register, including conservation areas, Scheduled Ancient Monuments and Wreck Sites. Non-designated heritage assets are not considered by Historic England for inclusion on the Heritage at Risk Register.

The Grand Western Canal Conservation Area is not on Historic England's Heritage at Risk register and there are no Grade I or Grade II* at risk entries on within the Conservation Area. However, the Scheduled Monument of Canonsleigh Abbey is included upon the list. The local authority shall proactively engage with land owners to improve the condition of the asset with the aim to remove it from the register.

There are also many areas of the Conservation Area and buildings, including Grade II Listed buildings, which would highly benefit from enhancement, repair and maintenance which are identified in Section 5 of this document.

The interactive conservation area boundary map, showing all the designated heritage assets within the Conservation Area can be viewed on the Council's website.

3.0 Historical Development

The following section provides an overview of the history of the Grand Western Canal Conservation Area and the surrounding area.

Prehistory (50,000BCE- 43AD)

There is evidence of longstanding human occupation within Devon since the Lower Palaeolithic, with hand tools found near Axminster and further evidence of activity from the Mesolithic. Later Neolithic sites include the notable settlement of Merrivale, upon Dartmoor. Other sites include long barrows and earth mounds associated with burials, examples of this near to the Grand Western Canal include the long barrow south west of Putson Cross (list entry number: 1019058) and the bowl barrow to the North West of Putson Cross (list entry number: 1017132). Later evidence of occupation includes the site of Cranmore Castle to the south of Tiverton, an Iron Age hillfort and a Scheduled Monument.

Large *univallate* hillforts date to the Iron Age period, most having been constructed between the fourth century BC and the first century AD. They are rare surviving features and most are located within southern England. Hillforts undoubtedly had a defensive purpose however they also acted as food stores, meeting places and perhaps religious centres. Cranmore Castle overlooks the confluence of the Rivers Lowman and Exe, a fertile area and an important crossing place.

Roman (43 – 410 AD)

Devon is a County that contains much evidence of Roman occupation and there are a number of finds of Roman date within the locality of Tiverton and the Canal, with large number of finds to the north of Tiverton, where a fort at Bolham was established. The location was strategically important

on route to the *Civitas* capital and legionary fortress at Exeter. A large jar of 3rd century Roman coins was unearthed at Little Gornhay. Pottery sherds and coinage have also been unearthed within the town of Tiverton.

The influence of the Romans is also legible through their road building and network which reached across Devon, connecting fortifications and sites of economic importance.

Medieval (410 – 1540AD)

The majority of Devon's towns have their origins in the later Saxon period, the first documentary reference to the town of Tiverton is within King Alfred's will dated 899, then known as *Twyfyrd* (two fords) and later within the Domesday Book as *Tovreton*. The Domesday Book records that there was a reasonably large population. The settlements of Halberton and Sampford Peverell record a high number of livestock, indicating the important role of agriculture for the local economy from an early period. It is a reasonable assumption that Tiverton, with its position between the Rivers Exe and Lowman served as a historic market and meeting place.

The remains of Canonsleigh Abbey, a scheduled monument, is situated beside the western bank of the Grand Western Canal. Canonsleigh Abbey was first founded as an Augustinian house by Walter de Claville in 1160. It was refounded by Maud, Countess of Devon as an abbey for Augustinian nuns in 1282.² Towards the Dissolution in 1539, there were eighteen nuns including the abbess. The surrender of the abbey to the Commissioners of the king took place on 16 February 1539.³

² *The Cartulary of Canonsleigh Abbey*, ed. Vera C.M. London, Devon and Cornwall Record Society, New Series, VOL.8 (Torquay, The Devonshire Press, 1965), p.12.

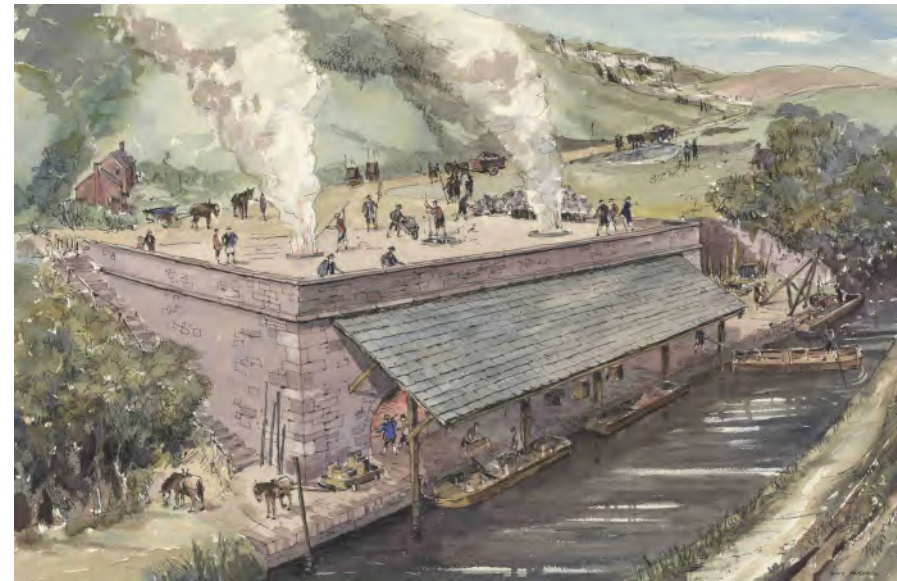
³ *Monasticon Anglicanum*, ed. J.Caley, H.Ellis, B.Bandinell et al (London:James Bohn, 1817-1830), Volume VI, p.334.

Post-Medieval (1540 – 1901AD)

Throughout the early post-medieval period Devon remained an economy largely based on agriculture. However, the mining of tin and the quarrying of this resource was also exploited. Taking advantage of the rich pastures of the county, farmers reared sheep to provide wool. The Devon cloth industry grew from early on in this period and from the late fifteenth century onwards the wool trade was incredibly important with global demand for English wool. The chantries of the parish churches of Tiverton and Cullompton show the wealth this gave rise to. Many water powered mills were constructed to support both the agricultural industry and the production of wool (fulling mills) however few survive today.

One such mill was reputedly at Canonsleigh Priory (now demolished) and others such as High Mill in Halberton and Sampford Mill, in Sampford Peverell. Coldharbour Mill is one of the best preserved mills in the country, having been in continuous production since 1797.

From the sixteenth century to the nineteenth century, lime was used by farmers across their lands to reduce the acidity of the soil. Many limekilns were constructed across the county to support the industry and there are some surviving examples on the banks of the Grand Western Canal.



Waytown Limekilns (@Tony Haskell & Devon County Council)

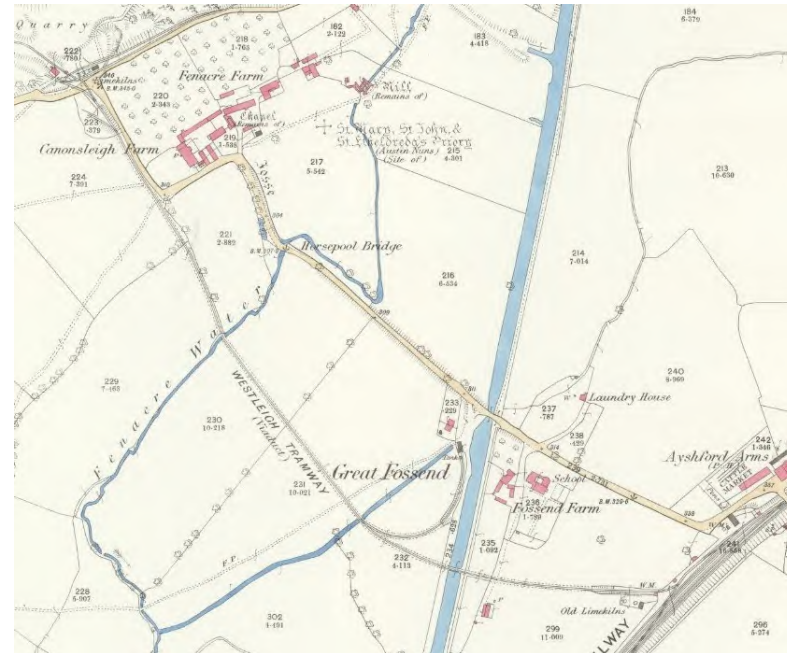
The Grand Western Canal emerged from the 1770s as a scheme to connect the Bristol and English Channels. The initial surveys by Robert Whitworth, under the supervision of James Brindley (Engineer) were not acted upon. The plans were later revived by 1792 and the Engineer William Jessop was engaged and the findings of his report were presented on the 29th November 1793. The report by Jessop included the potential trade the canal would carry, such as coal and limestone. The quarry site at Westleigh was an important source of lime and made an attractive source of income for the Grand Western Canal. In 1794 John Rennie, the engineer of the Kennet & Avon Canal was brought in and a revised route for the canal was approved by the committee. However, there was strong opposition from Exeter City Council and it was not until 1796 that on the 24th March, the act for the canal was passed by Parliament.

The Grand Western Canal Conservation Area

During the late eighteenth century, the country was embroiled in war with France during the French Revolutionary Wars, so funds were diverted and the start on the canal was delayed. It was not until 1810 that work began at the Holcombe Rogus (Canonsleigh) area. The decision to start here was due to the ability to quickly trade the quarried lime and limestone to return a profit.

The Grand Western Canal and Westleigh Quarry were both linked to one another's development in the early nineteenth century. The high demand for lime for agricultural purposes drove the financial prospects of the quarry and therefore also the canal. The easternmost quarry at Westleigh was known as Barge Quarry showing the importance of the canal and the limekilns built in this area to the local economy. Other smaller quarries were also supported by the canal, such as that of Whipcott, to the north of Westleigh Quarry. Historic maps show the quarry with tramway, limekilns and a smithy beside the canal.

By 1810 it had been realised that the original route of the canal would run directly through the village of Halberton. A second Act of Parliament was passed in 1811 for the variation of the line to Tiverton, to pass around Halberton. The first barge to travel the length of the canal to Tiverton, laden with coal was in 1814, however by this point the total cost of the canal had far exceeded estimates.



OS 1st ED 1889 (©National Library of Scotland)

By 1829 it was acknowledged that the anticipated volume of trade between Tiverton and Westleigh was below the volume required to return a profit, therefore plans were rekindled for the connection to the Bridgwater & Taunton Canal. Construction began in 1831 and this portion of the Grand Western Canal featured seven boat lifts, designed by James Green.

The canal lifts each consisted of a pair of caissons, suspended upon wheels. The advantage of lifts was the speed compared to locks however the lifts were not successful, being of complex machinery with high maintenance costs and James Green was dismissed in 1836.

The Grand Western Canal Conservation Area



Tiverton Wharf c.1845 (©Michael Blackmore & Devon County Council)

The section of canal from Holcombe Rogus to Taunton was completed in 1838 and the canal was at last fully opened. The canal to Taunton allowed coal to be transported to the limekilns at Westleigh Quarry and Tiverton. Tiverton Basin was area of high activity with wharves and limekilns found along the route. However, the profitable years of the canal were short lived with the coming of the railways notably the Bristol and Exeter Railway by Isambard Kingdom Brunel which was completed in 1848. The branch line from Tiverton dealt a further blow and this spelt disaster for the commercial profitability of the Grand Western Canal. The Grand Western Canal conceded to the railway and was leased to the Bristol & Exeter Railway Board in 1854.

After some years trade drastically reduced upon the canal with only a small portion of lime and stone from the quarries near Holcombe Rogus

being transported. The eastern line with the lifts was deteriorating and by 1863 the terms of selling a length of the navigation to the Bristol & Exeter Railway was being negotiated. It was soon apparent that the Grand Western Canal was financially in an ever increasingly difficult position and by the 13th April 1865, the ownership of the Grand Western Canal Company was transferred to the Bristol & Exeter Railway Company.



Stone being loaded at Whipcott Wharf

The Railway Company soon acted to close the Lowdells-Taunton section in 1867, dismantling and removing machinery such as for the lifts. The Tiverton to Lowdells section was spared immediate closure as local limestone continued to be transported. By 1888, the annual tonnage of stone carried on the canal was only a quarter of the annual average for

the years 1846-54⁴. Part of this was also driven by the creation of a three foot gauge tramway to Westleigh Quarry from the Bristol and Exeter Railway. The tramway was worked by two diminutive tank engines and a wooden viaduct was erected over the canal. The 1881 census describes a local lime merchant, Mr Taylor, who employed fifty-seven men and seven boys, indicating that the transportation of lime by rail was quickly established and a commercial success, delivering another blow to the prospects of the Grand Western Canal. However, lime continued to be conveyed to Tiverton by the Canal as described in the 1892 *Sales Particulars for Whipcott Farm, Limestone Rocks and Quarries* that about 10,620 Hogsheads of burnt lime was produced over three years and a large quantity sent by the canal.

Modern (1901 – Present)

As commercial traffic upon the canal declined, other ventures such as the harvesting of water-lilies from the early twentieth century until the 1960s was carried out by the Barrie family, who took a lease from the Railway Company (now the Great Western Railway). After 1925, stone traffic upon the canal had ceased and it primarily became that of a recreation area, with people enjoying walks along the towpath.

On the 1st January 1948, the canal passed in ownership to the British Transport Commission and it was fully established by 1962 that the canal as a commercial waterway was redundant and the canal was closed to navigation in 1964. After the formation of the Tiverton Canal Preservation Society and a successful campaign to secure its future, Devon County Council took ownership of the canal on the 24th June 1971 with a cheque for £38,750 to go towards its maintenance.

⁴ Helen Harris (1996), *The Grand Western Canal*. Devon Books, p.134.

SAVE THE CANAL **TOW PATH WALK**

Saturday, 18th October, 1969

The Lock Cottage, Greenham	-	-	10.30 a.m.
Burlescombe (Fossend) Canal Bridge	-	-	11 a.m.
Sampford Peverell Bridge	-	-	12.45 p.m.
Halberton Road Bridge	-	-	2 p.m.
West Manley Bridge	-	-	2.30 p.m.
Tidcombe Bridge	-	-	3 p.m.
Tiverton Basin	-	-	3.30 p.m.

3.30 p.m.

CIVIC WELCOME by the MAYOR OF TIVERTON

TIVERTON TOWN BAND SEA CADET DEMONSTRATION

Issued by the Grand Western Canal Preservation Committee

Melchior, P. Brown, The Swan Boat, Tiverton. 18. 1969

March to save the canal poster

The Grand Western Canal is a Country Park managed by Devon County Council, for the enjoyment of those either walking or cycling along the

towpath and along its length by boat. The canal is also managed as a County Wildlife Site and Local Nature Reserve.

4.0 Assessment of Significance

4.1 Architectural and Historic Interest

The historic and architectural special interest of the Grand Western Canal Conservation Area is derived from its development as an early form of transportation and the subsequent commercial use of the canal, which brought about economic growth and development to Devon.

The economy of the early settlement and this area of Devon was heavily dependent on agriculture, and this remains visible today. The extent of the early settlement is still clearly defined with a concentration of historic buildings within Tiverton, the surrounding rural area and landmarks such as the castle.

The Industrial Revolution had a profound effect, this notably being the construction of the Grand Western Canal, and the industrialisation of the countryside which brought large social and economic change to previously isolated rural areas. The canal was envisioned to fuel trade and growth however by the late nineteenth century with the coming of the railway this was short-lived. With the construction of the canal other features such as the limekilns constructed along its length shows the effect it brought when in use and the goods it carried. The trade of lime and stone from the Canonsleigh area took on an importance tied to the commercial viability of the canal, as other goods was later transported by rail. The canal found purpose briefly in the harvesting of water lilies after closure of the eastern length by the railway company and later for recreation which continues to the present day. The rural setting of the canal makes a highly beneficial contribution to the Conservation Area's special interest and allows for its historic significance to be appreciated.

There is historic and architectural quality to the Conservation Area's buildings and spaces, which contribute to a sense of place. There is clear evidence of important phases of development for the canal and its relationship to the surrounding landscape and settlements.

4.2 Character Areas

The Grand Western Canal is composed of distinct areas, which have variations due to phase of development, open spaces and character. As part of this appraisal, the Grand Western Canal Conservation Area has been divided into four main Character Areas, as follows:

- Character Area One: Tiverton Basin
- Character Area Two: Halberton
- Character Area Three: Sampford Peverell and Ayshford
- Character Area Four: Canonsleigh and Lowdwells

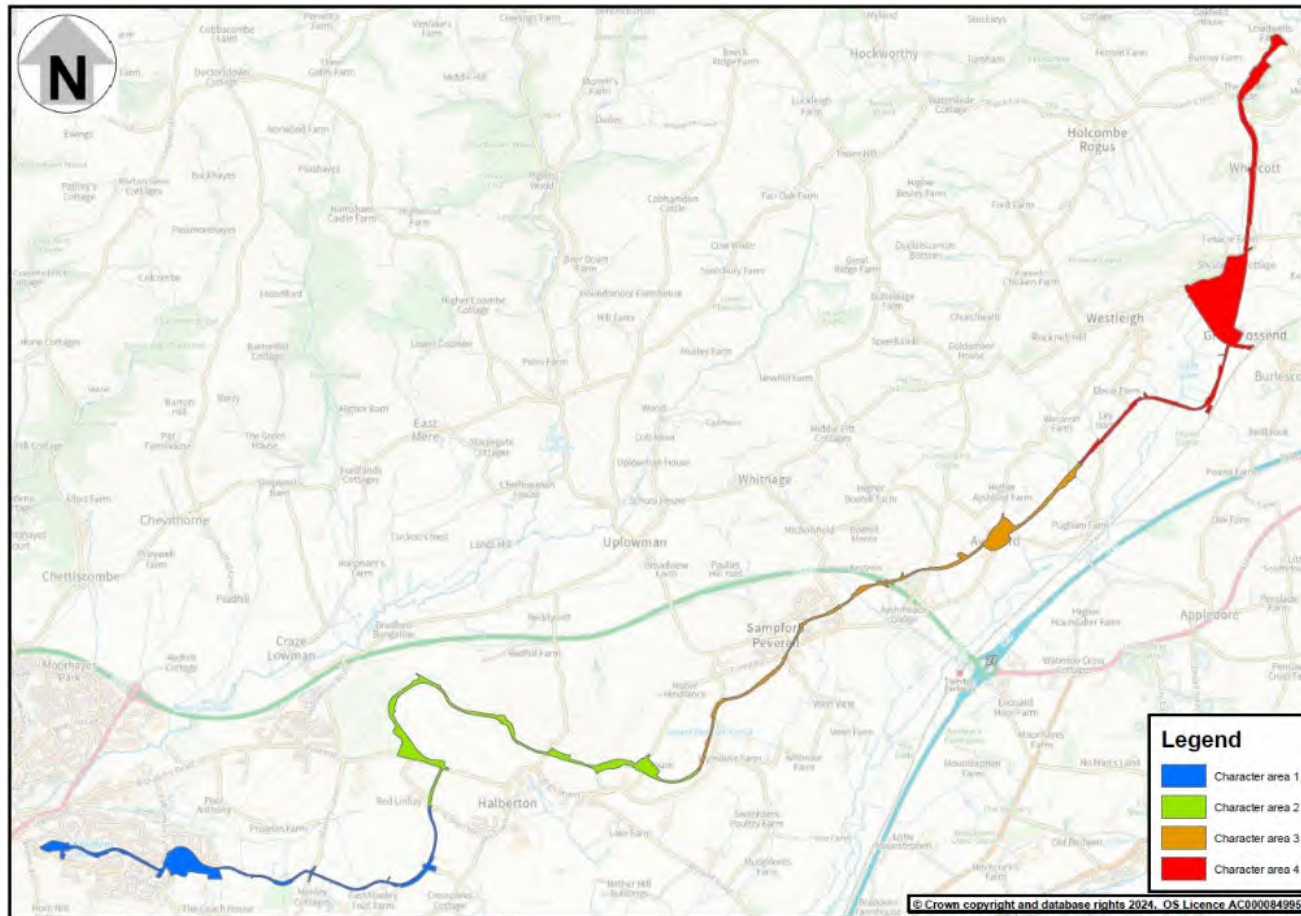
The areas have been determined by historical development, land use, appearance and building typology. Many of the defining characteristics of each character area are present and repeated in other sections of the Conservation Area. The following descriptions are not exhaustive, aiming instead to provide accessible accounts which allow for an informed understanding of the Conservation Area's special interest.

Prevailing building materials, architectural styles, spatial planning, landscaping and boundary treatments are detailed for each area to highlight the special architectural and historic value of the areas.

Designated buildings or structures which make a notable contribution to each character area are described, however the omission of any buildings from the description does not mean they make no contribution to the special interest of the Conservation Area. Other notable buildings or features may be deemed non-designated heritage assets due to their contribution to these areas and are identified in the description for each.

The Grand Western Canal Conservation Area

Key views have been identified within each character area, and views from outside the Conservation Area are also highlighted, as these contribute to our appreciation of its special interest. There may be other views within or beyond the boundary of the Conservation Area which contribute to how its significance is appreciated and understood. Any proposals for development within the Conservation Area, or its environs should not only consider the keys identified within this document but others that may be relevant as part of a bespoke assessment.



Map of the four character areas of the Grand Western Canal Conservation Area

The Grand Western Canal Conservation Area

4.2.1 Character Area One

Description

Tiverton Basin

Character Area One represents the western portion of the Conservation Area within Tiverton and its immediate environs. The Tithe Map of 1842 shows that construction of the canal to Tiverton was complete, with several buildings and limekilns built. There is otherwise sparse development along the canal and views across the open countryside would have been appreciable, including towards prominent buildings such as Tidcombe Rectory, also known as Tidcombe Hall. Today the canal has seen significant development along its length within Tiverton.



Tiverton Basin

Layout and Land Usage

Character Area One is that of the terminus of the canal at Tiverton, and the approach to the town from Halberton. The terminus of the canal would have been an area of high activity as goods were unloaded and barges resupplied for their return journey.

The limekilns constructed beside the wharf are of a quantity which indicate the importance of the canal and the industry it supported. The layout has historic origins, linking to its industrial use and the open space afforded to the canal in this area also reflects this. Characteristically, the buildings that were built in this area were likely utilitarian and closely associated to the Canal and the operation of the limekilns. The Grand Western Canal also constructed dwellings along its length, likely to house workers and there are surviving examples within the Character Area.



OS 1st Ed c.1890 map of the Grand Western Canal in Tiverton

©National Library of Scotland

The Grand Western Canal Conservation Area

The small bend of the canal by Tidcombe Bridge is due to the then owner of Tidcombe Rectory, and also the adjacent agricultural land, not allowing a route through their land for the canal.

Landscaping and Open Spaces

Almost all of the public realm in the Conservation Area is located along the towpath, which is a public footpath. The towpath is not paved, being mostly of light gravel with wide embankments along the canal. The lack of hardstanding such as tarmac or similar for the footpath or markings upon the towpath is a positive characteristic. Mature trees along the towpath marking the boundary of the canal positively contribute to sense of place and rural character.

There is a clearly defined area of residential development around the canal, at its western end. The land rises around the canal to the south, with modern development visible, with many dwellings in an elevated position. There has been little development within the Conservation Area itself, with large twentieth century development to the north and south of its boundary. The limited development within the Conservation Area consists of the Canal Visitor Centre, the Sea Cadet building and other small ancillary buildings. There is also a small bridge crossing the canal, connecting the modern residential developments.

The historic buildings of Withy Cottage and Lime Kiln Cottage are orientated towards the canal, its open character provides views of Withy Cottage from the Canal. This contributes to our ability to further understand the architectural and historic interest of the area.

The canal as a historic route through the rural landscape provides opportunities for views across the landscape. Tidcombe Hall is a prominent building that has historically been appreciable from the canal and the views across the surrounding agricultural land provides a strong visual relationship.

There is limited street lighting within the Character Area, street furniture includes benches and bins along the towpath with a large picnic area at the western end of the canal. This area also includes a small play area for children at the entrance to the canal from Canal Hill and the open grassed area with veteran trees beside the limekilns positively contributes to the character of the area.



View of entrance to the canal within Tiverton with lime kilns to left hand side

The Grand Western Canal Conservation Area

Key Buildings

Designated

The Grade II listed limekilns built into the north-facing retaining wall of the canal basin are a prominent feature. The limekilns were built approximately c.1810-14, an early phase of the canal's development, to produce lime from the transported limestone. One of the kilns is built forward and visible to the public, the others have only their working chambers visible, except where these are blocked.



Tiverton Limekilns

Withy Cottage is a small early nineteenth century house, built for the Grand Western Canal. Its slate roof and stone rubble walls show it is a

modest dwelling and it is reasonable to assume it was built to a budget dictated by the Grand Western Canal. Much alike is that of the Grade II listed Lime Kiln Cottage, with its thatched roof. The two contemporary dwellings form a pleasing historic group with the limekilns and are visible from along the towpath.



Lime Kiln Cottage

There are several Grade II listed bridges within Character Area One and these are contemporary to the canal and its construction. Some features

The Grand Western Canal Conservation Area

such as original ironwork and markings such as where the ropes from the horse drawn barges are visible which contribute to our appreciation of their historic interest.

The bridges are predominantly constructed of volcanic agglomerate ashlar, such as Tidcombe Bridge. Similar in appearance is that of Manley Bridge. There is signage by each bridge warning of the narrow footpath and to give priority to the horses pulling the barges that are now strictly for leisure. East Manley Bridge differs from the other bridges in its construction, it is of brick in English bond. The bridges are important surviving features which contribute to the special architectural and historic interest of the Conservation Area.



Tidcombe Bridge

Non-designated

The section below provides a selection of the non-designated buildings in Character Area One that make a valuable contribution to its special interest. This not an exhaustive account, other important and positive buildings will be identified through the assessment of future planning applications.

The Moorings is a modest building, in the ownership of Devon County and used by the Canal Rangers. It is a nineteenth century building orientated towards the Canal and is a positive contributor to the Conservation Area's special interest and character.



Moorings

The Grand Western Canal Conservation Area

Tidcombe Hall is a large house to the south of the Grand Western Canal, historic maps show it is on the site of St. Lawrence's Chapel. It is a prominent building and makes an important contribution to the architectural and historic special interest of the Conservation Area. The building is highly distinctive within the rural landscape.

This Character Area also includes the only surviving aqueduct within the Conservation Area. The aqueduct was built in 1847, serving the branch line of the Bristol and Exeter Railway to Tiverton, for Brunel's Great Western Railway. It is of brick and cast iron with two arches, however one line was only used. It was closed in 1962 and is now in the ownership of Devon County Council. It makes a positive contribution to the historic and architectural interest of the Conservation Area.



Aqueduct

The Grand Western Canal Conservation Area

Building Materials

Roofs

There is a variety of roof forms within the Character Area, in general roofs are orientated parallel with the canal. The Visitor Centre is of a flat roof beside the canal, otherwise roofs are predominantly pitched in form.

Thatch and natural slate is observable throughout the area, as is corrugated sheet metal for buildings of a more industrial or utilitarian character such as the Sea Cadet building. Decorative barge boards as seen upon Lime Kiln Cottage are present.



View of decorative barge boards upon Lime Kiln Cottage

Walls

Both brick, render or plaster finishes are common in Character Area One with render being used upon the stone rubble walls. Cob walling is also present and is a building material characteristically used throughout Devon. Stone rubble walls are often mixed with earthen mortar and cob walling. Stone walling is also observable as the predominant boundary treatment throughout the Character Area.

There is variation in the colour of painted rendered buildings with examples of white, cream, yellow and pink hues. Buildings are predominantly painted in light hues or pastel colours, the pinkish hues derived from the mixing of Devonshire red clays and limewash.

Exposed brickwork is present, as seen for East Manley Bridge and the aqueduct. The exposed brickwork and bond (English) enhances the historic character of the area and our understanding of part of the canal's development.



Left, stone walling, right English bond brickwork

The Grand Western Canal Conservation Area

Windows and Doors

There are examples of surviving timber windows and doors within the Character Area. New examples are also generally of timber and of a casement pattern. Historic and traditional joinery makes an important contribution to historic places and the continued use of timber, rather than UPVC, aids in the preservation of the area's character. Moorings features timber sash windows and these are surviving examples of high-quality joinery.



Timber sash window upon Moorings

Boundary Treatments

Boundaries in the Character Area are of stone, as seen along Canal Hill and the area adjacent to the limekilns. There are also examples of timber fencing, particularly for residential boundaries to the north which are set back from the towpath. Where residential properties overlook the canal, these feature low brick walls in order to allow views through.

Tidcombe Hall includes a large boundary wall of brick with supporting buttresses. This wall can be appreciated from along the towpath. Much of the boundary to the towpath is that of mature trees and hedgerows which reinforces the rural character of the Conservation Area.

There is a large area of metal railings upon the boundary of the canal to Canal road, this is an area with the opportunity for enhancement. Other metal railings in the area are painted green in order to lessen their visual impact.



View of railings by Canal Hill

The Grand Western Canal Conservation Area

Public Realm

The Grand Western Canal is a Country Park and an important public space, the towpath is a public footpath. There are private dwellings and spaces along its length and the existing boundaries define these areas.

Towards the western edge of the Canal Conservation Area and upon its embankment, benches and a picnic area has been provided amongst the trees. The area is well signposted with directions to the towpath and into Tiverton town centre. High-quality metal signposts of a consistent style and colour are visible and positively contribute to the area.



Signpost to the canal

The Grand Western Canal Conservation Area

4.2.2 Character Area Two

Description

Character Area Two encompasses the Halberton section of the Grand Western Canal and onwards from Halberton to Sampford Peverell.

Layout and Land Usage

Character Area Two is defined by the cutting of the canal through the countryside and its relationship to Halberton, which it closely passes by. As identified within Section 3, this section of the route was a late correction due to original plans placing the canal directly through Halberton. It was instead routed around the village to the north, it became one of the most expensive sections of the canal.

The area is primarily that of open fields adjacent to the canal and the towpath, with views across the rural landscape. The Character Area does include a small area of residential dwellings, some closely associated to the canal.

Landscaping and Open Spaces

Development is concentrated along the canal, which is to the north of the village of Halberton. A small cluster of buildings adjacent to Rock Bridge are included within this Character Area and make a positive contribution to both the special architectural and historic interest of the Conservation Area.

The canal to the north of Halberton is upon a higher elevation, with views across the agrarian landscape to the village and there is a sense of tranquillity. The hedging along the towpath is somewhat overgrown in areas, yet this provides a pleasant natural quality.

Key Buildings

The sections below highlight some of the buildings in Character Area Two that make valuable contributions to its character and special interest. The

list below is not exhaustive and other significant or positive buildings may be identified through future planning applications.

Designated

At the entrance to the Character Area is the Grade II listed Crownhills Bridge. It is of a singular elliptical arch with string course and carries the road above it. To the east is a small grouping of bungalows, the surrounding field system and farmstead of Hartnoll Farm help to define the rural edge of Halberton.



Tiverton Road Bridge

A short distance from Crownhills Bridge is another listed bridge at Post Hill, where the canal makes a bend to the west. There is a Grade II listed Milestone also at this point, marking the miles to Tiverton where the canal terminates. Of the listed milestones by the canal, this milestone marks the completion of the Halberton section in 1814.



The Grade II listed Milestone

On the northern section of the canal two Grade II listed bridges, Sellick and Greenway, are present. Both were constructed by the Grand Western Canal and Greenway Bridge carries a road. Sellick Bridge connected a footpath to Sellake Farm, this likely being the derivation of its name.

To the north of the canal and the Grade II listed Rock Bridge is an attractive group of historic buildings, Rock Cottage was built circa 1814 by John Rennie, the engineer of the Grand Western Canal. It is of a symmetrical two window range with central door with fanlight. Rock Cottage and Rock House can both be prominently viewed from the

towpath of the canal. Rock House is an impressive large house, also built by John Rennie. It is of a symmetrical design with a central projecting bay, ashlar quoining and a large porch with four Doric columns.



Rock House

The Grand Western Canal Conservation Area

The Grade II listed Overock, also known as Turnpike Cottage, is a small cottage also built by Jon Rennie (circa 1814). It is of a symmetrical design with a three window range and rusticated quoins. It marks the entrance into the Conservation Area from the north and makes a valuable contribution to this grouping of historic buildings, which are closely associated to the canal.



Overock

Non-designated

Water Side is a large house, nineteenth-century in date with render and a slate roof. It is prominently viewed beside the canal and is at the location of the wharf to the canal. The surrounding buildings were built by the Grand Western Canal and it is likely Water Side was also built by the company and engineer John Rennie.



Water Side

The Grand Western Canal Conservation Area

Building Materials

Roofs

Roofs in Character Area Two are predominantly tile covered (plain and pantile), and a mix of slate roofs. The slate roofs viewed within the area of found upon Rock House and the nearby historic buildings. Slate roofs are a common material throughout the district, pantiles are typically seen upon buildings of a more modest status or ancillary structures. For the few buildings adjacent to the canal, roofs are predominantly orientated parallel, Rock House and Rock Cottage both overlook the Canal. Water Side and its gable end is visible from the canal, it overlooks the short section of the canal which was a wharf.

Walls

Walls are largely that of coursed rubble sandstone and limestone for dwellings, it is reasonable to assume that much of the material came from the quarries near Burlescombe. For the many bridges within Character Area Two, ashlar and bricks are both observable. The brickwork upon Sellick Bridge is in English bond.

Rock House is a distinctive dwelling with detailing such as quoins, moulded stringcourse and a large porch with four Doric columns. There is also a large pediment above the arch for the carriage entry to its side elevation facing the road. The building makes an important contribution to the architectural and historic interest of the Conservation Area.



Rock House carriage entry

The Grand Western Canal Conservation Area

Windows and Doors

There is good survival of original timber sash windows and casements to the dwellings within the Character Area. The dwellings near to Rock House and Rock House itself feature fine examples of historic joinery including sash windows. Where original timber windows survive, they provide examples of high-quality workmanship which enhance the area.

There are examples of historic doors on the listed buildings. Where new windows have been installed these are of timber. UPVC as a material is not able to accurately replicate the detailing of historic or traditional joinery and its introduction within the area has a negative impact.

Boundary Treatments

The boundary for the canal is largely that of native hedgerows and planting with mature trees, which help to define its character. Where dwellings are adjacent to the canal, these also share mature hedgerows as boundaries. Low stone walls are also common in the area, in combination with hedging to enhance the privacy of dwellings.

There is a notable section of iron railings at Rock House which positively contributes to the area's character, due to the use of traditional and distinctive materials. Some close board fencing is prominent, which is an incongruous addition due to its modern appearance, comparative to the historic stone walling across the Conservation Area.



Left, railings at Rock House, Right, signage for the Grand Western Canal

The Grand Western Canal Conservation Area

Public Realm

Character Area Two is defined by the route of the canal through the countryside, to the north of Halberton. There is a small public car park to the west of the canal at Post Hill road and beside Greenway Bridge. The grassed verges and mature trees along the canal enhance the sense of place. There is signage along the towpath where it joins other paths and these are generally of good quality, made of metal or timber. The public footpaths are well used and views across the landscape to Halberton reinforce the rural character of the area.

The area around Rock House has dwellings afforded large spacious plots with a good amount of mature planting. This verdant space benefits the Conservation Area and enhances the setting of the nearby listed buildings.



View of Rock House, Rock Cottage and Rock Bridge

The Grand Western Canal Conservation Area

4.2.3 Character Area Three

Description

The Character Area encompasses that of the Grand Western Canal from the periphery of Sampford Peverell through the village to Ayshford.

Layout and Land Usage

Character Area Three can be viewed as two parts, the canal set within the open countryside and the area within Sampford Peverell. The buildings at Ayshford are included as being within the countryside due to their setting.

The canal through Sampford Peverell is of a historic layout, being the route first planned and constructed under the Engineer John Rennie. There are widened areas of the canal to serve as passing places for the barges, there is a winding hole close the Church and wharfs adjacent to Sampford Peverell Bridge and Buckland Bridge. Historically, the canal passed through the small linear settlement of Sampford Peverell with the backs of dwellings orientated to the canal. Sampford Peverell has seen growth in recent years, notably to the east. There is dense residential development to the north and south of the canal in this location.

The Grand Western Canal as a Country Park is an area primarily for recreation, with a Public Footpath along the towpath. There are parts of this Character Area containing dwellings within their plots, the historic group of buildings at Ayshford are included in this area.



View of St John the Baptist from the towpath

Landscaping and Open Spaces

The Grand Western Canal to the west of Sampford Peverell is an area of valuable open space, the views across the rural landscape contributes to its character and sense of tranquillity. Areas of the hedgerow is overgrown however its presence and that of mature trees reinforces this rural character.

The Grand Western Canal within Sampford Peverell is experienced within an area with more urban characteristics, with dwellings in close proximity to the canal. However, the wide embankments and green verges with mature trees allow for its predominately rural character to still be appreciated. Views across the canal to the Parish Church of St John the Baptist and the planted boundaries of the canal within Sampford Peverell provides a pleasant enclave.

The Grand Western Canal Conservation Area

Key Buildings

The sections below highlight some of the buildings in Character Area Three that make valuable contributions to its character and special interest. The list below is not exhaustive and other significant or positive buildings may be identified through future planning applications.

Designated

Batten's Bridge marks the entrance into Character Area Three, it is of brick in English bond with stone coping. The bridge was built as part of the Grand Western Canal and parts have been subject to repair. Wide ranging views of the canal and the Devonshire countryside can be appreciated when stood upon the bridge.



Battens Bridge

Sampfords Peverell bridge is Grade II listed, built of brick in English bond with sandstone coping. It was built by the Grand Western Canal and carries the central road through the village, there are marks upon the side of the bridge from this use. A pedestrian footpath has been erected adjacent to the bridge with metal railings, there would be the opportunity for enhancement in this location.

The Grade II listed Buckland Bridge over the Grand Western Canal, built in c.1814, is of the same construction to Sampford Peverell Bridge. It is of brick in English bond, sandstone coping and at either end of the walls there are narrow projecting terminal piers. It marks the end of section of the canal within Sampford Peverell and leads to Holbrook Bridge, which is of the same construction and date.

Adjacent to Buckland Bridge is the former wharf cottage, evidence of the buildings past and the location of the wharf can be viewed by the wall next to the towpath with its arch. After the wharf fell into disuse it was used as a swimming pool and continued as such until the 1940s. The wharf was privately funded by John Richard Chave to facilitate his lime trade.

There are good views from the canal across to the Grade I listed Ayshford Chapel. The open verdant land with veteran trees greatly contributes to a sense of tranquillity and rural character. Ayshford Chapel is fifteenth century in date with late nineteenth century features, it is a private chapel of the Ayshford family and a prominent building that is part of the attractive group of historic buildings at Ayshford Court.



Ayshford Chapel and Ayshford Court

Ayshford Court is Grade II* listed, it is a late fifteenth century Manor House. The historic core has plastered walls, probably of cob on stone rubble footings, the early seventeenth-century wing is of Beerstone. The nineteenth-century extensions are of stone rubble and brick, forming an L-plan house. It features mullion windows with leaded panes of glass. Ayshford Court has a long history and the construction of the canal beside it would have been one of the greatest events in its history, with the change to how it is experienced and its position within the landscape.

To the rear of Ayshford Court, historic maps and Historic England identifies the location of a large barn, however the structure is no longer present. Also adjacent to Ayshford Court is the seventeenth century Stables which are Grade II listed, much altered in the nineteenth-century (list entry number: 1147593). Now only the walls remain of the original structure, a scheme to improve the condition of the listed building would enhance the area and the building. It forms part of an important and attractive group of buildings at Ayshford Court which make a valuable

contribution to the special historic and architectural interest of the Conservation Area.



Ayshford Cottages and Ayshford House

To the south of the canal within Ayshford is the modest and attractive building, Aysford Court Cottages. The cottages are nineteenth-century in date, of stone walling and a slate roof. Despite the detrimental impact of UPVC the buildings make a positive contribution through their historic and architectural interest.

Ayshford House is a large nineteenth-century dwelling, with rendered walls and a slate roof. The historic core of the house features sash windows and is orientated to the south, facing away from the canal. Whilst also featuring UPVC, the building makes a positive contribution to the Conservation Area.

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Building Materials

Roofs

Within Character Area Three roofs are predominantly of slate and in the form of dual pitched roofs with rendered or stone gables. The manor house of Ayshford Court diverges from this as it is hipped on the later addition to the rear. Roofs of dwellings in this area are typically orientated parallel to the canal, as there are often good views across to the canal and towpath. Outbuildings in this area are a mix of slate and pantile, with unsympathetic cement tiles observable upon the outbuildings to Ayshford House.

Walls

The walls within the Character Area for the bridges are a mix of sandstone ashlar and red brick in English bond. The bridges are well built and there are signs of markings upon the walls from both road and canal traffic. The markings within the arches are from the horse drawn barges and contribute to our understanding of the areas special historic interest.

The dwellings in this character area are predominantly of a stone wall construction and rendered. Ayshford Court is also partly of Beerstone which shows that it is a building of a higher status. Ayshford Chapel is mix of Beerstone detailing and local chert. Beerstone, named after the Devonshire village and quarry, is a chalk limestone and has been used for many prestigious buildings including Exeter Cathedral, Westminster Abbey and Winchester Cathedral.

The painted rendered buildings within the character area are painted in light hues or pastel colours, Ayshford Court is of a pinkish hue.



Ayshford Court

Windows and Doors

Surviving historic timber joinery can be observed within the Character Area. Historic mullion windows upon Ayshford Court are present, which are an example of an early form of window most commonly used before the sixteenth century. Stone mullions were moulded on both the external and internal faces, timber window frames originally imitated this detail. Other observable window types include timber casement windows which are seen throughout the Conservation Area.

The Grand Western Canal Conservation Area

UPVC is visible within the Character Area and this has a negative effect upon the architectural interest of the Conservation Area. There is the opportunity to further enhance the Conservation Area through the replacement of UPVC windows for traditionally detailed timber windows.

Boundary Treatments

Along the canal boundary treatments are predominantly that of mature hedgerows. Wide green verges and low brick walls are also observable and the lack of prominent boundaries better preserves the rural character of the Grand Western Canal.

Within Sampford Peverell there are sections of historic walling, notably the area adjacent to St John the Baptist contains a long length of stone walling that contributes to the character of the Conservation Area and views along it. Other notable examples of stone walling is present at Ayshford Court.

Public Realm

The towpath of the canal is the predominant form of open public space within the area. There are large areas of open agricultural land adjacent to the canal with views across the agrarian landscape which reinforces its rural character. The open space of Ayshford Chapel and its grounds beside the canal provides a sense of tranquillity.

The section of the canal through Sampford Peverell is an area of valuable open space for the village that provides a strong visual connection and link to the surrounding landscape, in an area that has a greater density of built form. There is no street lighting along the canal and few signposts, these being mostly of timber.

There are interpretation boards installed along its length and street furniture includes benches and bins. A number of telegraph poles and

overhead wires are present, with a concentration within Sampford Peverell.



Sampford Peverell Bridge and interpretation board

The Grand Western Canal Conservation Area

4.2.4 Character Area Four

Description

This section of the Conservation Area is characterised by its distinct rural setting, it was the first phase of development for the Grand Western Canal (c.1810). This includes the historic associations to Westleigh quarry and the importance of the quarry to the commercial viability of the canal. Some buildings in this area predate the canal and form a historic group, such as those adjacent to Canonsleigh Priory Gatehouse.

Layout and Land Usage

The layout of the Character Area has been subject to little change over time and the historic associations to places such as the quarries remains appreciable. In addition to Westleigh quarry, other smaller quarries such as Whipcott to the north and the buildings erected to support the local industry provide evidence of our past and to the development of the canal. Pondground Cottage and the land adjacent to the canal is also evidence of this, documentary evidence including the 1861 Census names the occupants as workers at the nearby quarry and wharf.

Surviving structures such as the Westleigh Mineral Railway Bridge, also known as Black Bridge (c.1873), which crosses the canal contributes to the historic and architectural interest of the Conservation Area.

Character Area Four contains residential dwellings within Burlescombe and dwellings with associated land adjacent to Westleigh quarry. The dwellings within the Character Area are afforded large plots, preserving the rural characteristics of the area.

Landscaping and Open Spaces

The primary area of open space is the towpath to the canal, allowing travel along its length. It is a verdant area with views across the rural landscape, it is bounded by mature hedgerows and trees which reinforce the rural character.

This Character Area contains the largest area of open space, including the site of Canonsleigh Abbey which encompasses several agricultural fields. The topography of this area is flat and as shown above in Section 3, there are shared historic associations. The landscape contains evidence of past occupation and uses associated to the canal. The 1889 Ordnance Survey 1st Edition map and 1904 2nd Edition OS map places a tramway from Westleigh quarry to the canal.



The Grand Western Canal looking towards Whipcott Bridge

The Grand Western Canal Conservation Area

There are heavily wooded areas beside Waytown Tunnel and trees line the canal at the northern end of this area. The canal cuts through the landscape at this most eastern section, resulting in steep embankments.

Key Buildings

Designated

The Grade II listed Ebear Bridge was constructed by the Grand Western Canal and this section opened in 1814. It is a single span bridge with an elliptical arch of large coursed block of sandstone ashlar.

The listed Milestone beside the canal is of limestone and marks the distance to Burlescombe, likely contemporary to the construction of this section of the canal. The Twin Culverts, which are brick-lined with large curved retaining walls of dressed stone are a fine example of this type of canal structure. The structure is in good condition and contributes to the special interest of the Conservation Area.



Grade II listed Twin Culverts for the Grand Western Canal

Fossend Bridge is built of coursed blocks of limestone with a parapet of red sandstone ashlar. It is of a single span and carries a road over the canal, there are shallow terminal piers at each end. This section of the canal was part of the first phase of works, opened in 1814.



Fossend Bridge

Canonsleigh Barton Farmhouse is Grade II listed, it is set back from the canal, part of a historic group of buildings including associated barns within its curtilage. The Farmhouse pre-dates the Grand Western Canal, it is of a local stone rubble with Beerstone windows. To the rear of the farmhouse is the Grade I listed Canonsleigh Priory Gatehouse. The former Priory Gatehouse is of local stone rubble with mostly Beerstone ashlar detail and some Hamstone. It is an impressive building of significant architectural and historic interest, contributing to our understanding of the monastic site of Canonsleigh Priory.

The Grand Western Canal Conservation Area

The Scheduled Monument of Canonsleigh Abbey includes the reredorter and other structures forming part of the Augustinian religious house beside the western bank of the Grand Western Canal. The Abbey was first founded between 1161 and 1173 and was later re-founded in 1282 by Maud, Countess of Devon. It was suppressed as part of the Dissolution. Within the Scheduled Monument is the Grade II listed Canonsleigh Priory Mill, this includes the reredorter and a length of wall with the reveals of a tall window with pointed arch. The historic group of buildings contribute to the special interest of the Conservation Area.

The Grade II listed limekilns south of Westleigh Quarry, built of local stone rubble and brick contribute to our understanding of the industrial activity associated to the quarries and the production of lime, which was closely associated to the construction and operation of the Grand Western Canal.

Fenacre Bridge is of similar design to Ebear Bridge, also being constructed as part of the first phase of works. It is of course limestone and carries a road over the canal to Westleigh Quarry, which supplied materials for the construction of the canal and the wider area. A quarry at Westleigh was named *Barge Quarry*, commemorating the importance of the canal and contributing to our understanding of its development⁵.



Grade II listed Limekilns at Canonsleigh

At the northern end of Character Area four is the Grade II listed Waytown Limekilns. The limekilns were built during the first phase of works of the canal (c.1810-1814), the limekilns would have produced lime by burning calcium carbonate found within the limestone quarried from Westleigh or Whipcott. As shown above in Section 3, lime was used both for construction and agricultural purposes. The limekilns contribute to the special interest of the Conservation Area and our understanding of its industrial heritage.

⁵ R.W.D, Fenn and A.E.A, Cox (2007) *The history of Westleigh Quarry in the Country of Devon*. Bardon Hall, Leicestershire, p.92.



Waytown limekilns

Waytown Tunnel is Grade II listed, at either end is a low round-headed arch, it is constructed of ashlar limestone. Due to the low height of the arches and tunnel, presumably barges were pushed through by walking along the low roof.

Non-Designated

Westcott Bridge, an accommodation bridge over the Canal was built c.1810-1814 to allow the farmer's access to the land to the north. It is of ashlar limestone and stone rubble to the upper section of the wall beneath the stone capping. The bridge is of steel, having replaced the original timber deck.

Westleigh Mineral Railway Bridge, also known as Black Bridge, crosses the Canal connecting Westleigh Quarry to Burlescombe Station. The tramway was first opened in 1879 and later changed to a standard gauge in 1898 with a steel girder bridge which is present today. The bridge contributes to the historic interest of the Conservation Area, its industrial heritage and of our understanding of its relationship with the quarry. There are the remains of a platform close to where the line joined the Great Western Railway mainline and stone archways which carried the railway.



Surviving stone archway for the Westleigh Mineral Railway

The Grand Western Canal Conservation Area

Fossend Farmhouse is a mid-eighteenth century dwelling, with date stone inscribed 1749. It is of whitewashed stone with clay pantile roof and large brick chimney stack. Whilst some detrimental changes include the installation of UPVC, overall, it is considered a positive contributor.



Fossend Farmhouse

Burlescombe Primary School is potentially early to mid-nineteenth century in date. It is of stone rubble with large stack upon the north-facing gable and central stack with bell attached. The building is a positive contributor to the significance of the Conservation Area.



Burlescombe Primary School

The nineteenth century building of Bridge Cottage, near Whipcott Bridge, is also considered to positively contribute to the historic and architectural interest of the Conservation Area. The building is rendered with a slate roof and red brick chimney stacks.



The wharf at Fossend Bridge



Low stone wall within Canonsleigh

Building Materials

Roofs

Roofs within the area are of mix of slate and clay tile (plain and pantile), there are examples of concrete tiles installed but in general traditional roofing materials remain.

Walls

The majority of dwellings are built using local stone and red brick, with exposed brick and stone commonplace within the character area. Fossend Farm is a notable exception as it is whitewashed. Where buildings are rendered, these are typically of muted or pastel colours.

Windows and Doors

There is a high proportion of replacement UPVC windows and doors, which has a detrimental effect upon the Conservation Area. Where timber windows survive, these positively contribute to the architectural interest of the Conservation Area. The use of UPVC is one of the greatest threats to Conservation Areas, as it cannot replicate the details of traditional joinery. Where historic and traditionally detailed joinery survives, it positively contributes to the Conservation Area.

Boundary Treatments

Walling within the Character is typically that of stone, low in height and combined with planting to enhance the privacy of dwellings. The dwellings adjacent to Fossend Canal Bridge (Burlescombe) are set back from the canal and boundary treatments are a mixture of masonry and planting. There is some close-boarded fencing within the Character Area which is detrimental to the visual quality of the Conservation Area.

The embankments to the canal in this area increase in depth and also height as the surrounding topography rises in elevation. The area of Waytown Tunnel and the steep vegetated embankments result in a sense of tranquillity and isolation.

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Public Realm

The canal and the towpath is the significant open space within the character area, with a public footpath along the towpath. There is limited signage along the towpath to mark the public footpath and there are also interpretation boards which aid in our understanding of the areas historic interest.

There is a footpath adjacent to the canal close to Canonsleigh Abbey with views across the agricultural land. There is evidence of past human activity within the landscape showing the close relationship between the quarry and the Grand Western Canal. Views from footpaths outside of the Conservation Area across the agrarian landscape contributes to our experience of the area and its qualities.



View of the canal beside Whipcott Bridge

4.3 Positive, Neutral or Negative Elements

The following section outlines the broad descriptions of positive, neutral and negative attributes to buildings within the Conservation Area. Some buildings may have negative attributes however this does not mean that the building cannot be enhanced. Equally many buildings will be a positive contributor, this also does not mean that there is not the opportunity for enhancement. Often the opportunities for enhancement will be widespread across the Conservation Area, this is addressed further in the management plan. Other more bespoke issues may be identified within this section.

Positive buildings are those which contribute to the character or appearance of the Grand Western Canal Conservation Area. There may be the opportunity for minor alterations to result in an enhancement to their architectural interest, improving their contribution to the Conservation Area.

Positive buildings with the opportunity for enhancement are those which make an overall positive contribution but would benefit from enhancement. Buildings within this category may be compromised due to unsympathetic alterations and additions, or through the loss of original features.

Potential enhancement to buildings within the Conservation Area includes the replacement of UPVC windows with timber units. The use of high-quality and traditional materials, including timber windows preserves the special architectural interest of the Conservation Area.

Neutral buildings make no beneficial or adverse contribution to the Conservation Area. Often neutral contributors are recently built dwellings, these should make reference to local character and distinctiveness however fall short of making a beneficial contribution to the special interest of the area.

Negative buildings are those which make an adverse or intrusive contribution to the character or appearance of the Conservation Area. Within the Grand Western Canal Conservation Area, the late twentieth century developments beside the Canal which feature an unsympathetic material palette are examples of negative buildings. They make no contribution to the special historic or architectural interest of the Conservation Area.

Within the Conservation Area, the Listed Buildings are positive contributors to the special historic and architectural interest of the Conservation Area. The significance of these heritage assets is recognised by their inclusion upon the National Heritage List for England (NHLE). Nevertheless, there remains the opportunity for enhancement upon some of the listed buildings, in particular if the building is of a poor condition, it would benefit by sensitive repair. The many bridges within the Conservation Area which carry roads would benefit from a programme of maintenance and repair. The Listed Buildings, Canonsleigh Priory Mill and Stables north east of Ayshford Court, would also benefit from a programme of scheduled maintenance to improve its condition.

The interactive conservation area map, showing all positive, neutral, negative or positive with the opportunity for enhancement buildings within the Conservation Area can be viewed on the Council's website.

4.4 Key Views

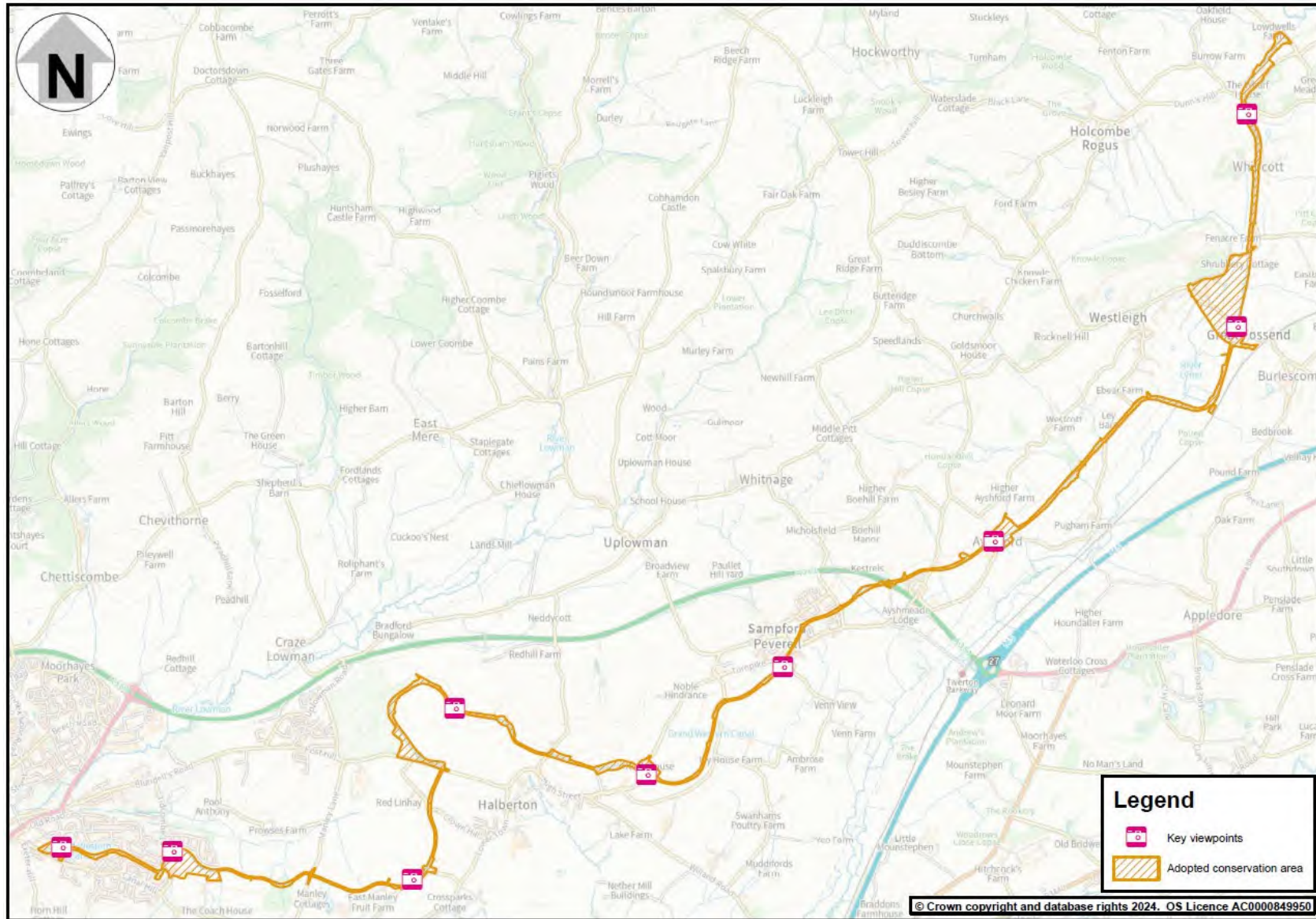
This section contains the important views in each of the Character Areas within the Conservation Area, each has been described below. Views can provide an important way to experience and appreciate the significance of an area. The Grand Western Canal is a prominent landmark and historic form of transportation connecting settlements. Views of the surrounding countryside and the settlements which it passes or terminates within are possible within the Conservation Area and from its boundary. The canal is without locks therefore it is of a relatively flat elevation, this often results in deep cuttings or being elevated to the surrounding landscape. Distant views of the canal from its surrounding countryside setting and the settlements of Burlescombe, Sampford Peverell, Halberton and Tiverton are also possible, which contribute to an understanding of its historic significance.

The below section is not an exhaustive list, as there are many areas where the special architectural and historic interest of the Conservation Area can be appreciated, of a kinetic nature as one travels along it. The following views are those which highlight the qualities of the Conservation Area and its special interest. All planning applications for development within the Conservation Area, or its setting, should consider if there are any contributing views which will be affected and seek to mitigate any adverse impacts.

The interactive conservation area map, showing the location of Key Views within the Conservation Area can be viewed on the Council's website.

The Grand Western Canal Conservation Area

Views Map



The Grand Western Canal Conservation Area

Character Area One Views

Views of the Canal are often appreciable in both directions from along its length when stood upon the towpath, within Tiverton Basin the canal is framed by the density of development upon its boundary. The area where the canal terminates within Tiverton allows an appreciation of its historic layout and historic buildings including Moorings and Withy Cottage make a contribution to the significance of the Conservation Area (View 1).



View 1

The Grand Western Canal Conservation Area

Adjacent to Tidcombe Bridge and Tidcombe Hall, views in an easterly direction across the rural landscape are appreciable. Tidcombe Hall is a prominent building set within the rural landscape and views are appreciable across the undeveloped setting of the Conservation Area, providing the travelling observer with an experience of the changing historic character (View 2).



View 2

The Grand Western Canal Conservation Area

The kinetic views whilst travelling along the towpath provide an experience of the areas historic character and an appreciation of its rural setting, contributing to a sense of tranquillity. At the far edge of the Character Area, where the canal begins to bend northwards, the scene opens with views across the adjacent agricultural land, with mature trees (View 3).



View 3

The Grand Western Canal Conservation Area

Character Area Two Views

Important views in Character Area Two include the views of the canal to and from Halberton, where the historic significance of the canal its position and important role to the development of the area can be appreciated due to the elevated position (View 4).

Looking north from the towpath and from upon Rock Bridge, there are views of the historic buildings within Character Area Two, along with the dominant presence of Rock House (View 5).



View 4



View 5

The Grand Western Canal Conservation Area

Character Area Three Views

Character Area Three includes the section of the canal through Sampford Peverell, with a higher density of dwellings in proximity to the Grand Western Canal. The approach to Sampford Peverell allows long distance views of the wider landscape setting and of the settlement, allowing an appreciation of the historic significance of the Canal and its relationship to the village (View 6).

There are important views of Ayshford Chapel and Ayshford Court from the towpath and views towards the Canal from the historic buildings. The significance of the historic buildings, their position and close relationship to the canal can be appreciated (View 7).



View 6



View 7

The Grand Western Canal Conservation Area

Character Area Four Views

Character Area Four contains the ancient hamlet of Canonsleigh and the lowest density of buildings within the Conservation Area. The canal has close functional and historic associations to the landscape and quarries in this area. The view of the steel railway bridge and the wharf adjacent to Fossend Canal Bridge allows an appreciation of the Conservation Area's character and in particular, the industrial and historic significance of the canal and its position including views of Black Bridge which carried the railway for the quarry. (View 8).



View 8

The Grand Western Canal Conservation Area

There are important views of the Waytown Limekilns along the canal, the rise in topography results in the canal being located within a deep cutting contributing to a sense of isolation. Waytown Tunnel is also visible and together with the Limekilns, greatly contributes to the architectural and historic interest of the Conservation Area (View 9).



View 9

4.5 Setting of the Grand Western Canal

The setting of the Conservation Area is a contributor to its significance, allowing for the Grand Western Canal Conservation Area to be understood and appreciated. Setting is defined within the NPPF as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.⁶

Elements of setting which can contribute to the overall significance of a Conservation Area are:

- Views of and proximity to other heritage assets, landmarks or settlements.
- Position in relation to surrounding buildings, communities and transport networks such as rail that have influenced the development.
- Open spaces and position in relation to topography and watercourses which illustrate the area's development.
- Spaces and spatial qualities as well as lighting, trees, or the treatment of boundaries or street surfaces.

The Grand Western Canal and its construction began at the start of the nineteenth century, it cuts through the agrarian landscape to Tiverton. The building of the canal was during the height of the Industrial Revolution in England, within the sudden boom of canal-building between the 1790s-1810s. As shown above in Section 3, the original intention of the canal was to link the Bristol and English Channels. Its route was

carefully planned to link with the site of Westleigh Quarry which supplied building materials, in particular limestone which was also used for agricultural purposes. Its planned route through the rural landscape has played a vital part in its evolution, economic function and the development of the communities along it. Since the early twentieth century it has been an area of recreation and the use of the surrounding rural landscape therefore makes an important contribution to the historic setting and significance of the Grand Western Canal Conservation Area.

To the southeast of the canal from Tiverton, views across the agrarian landscape can be appreciated and this includes views of Tidcombe Hall and the neighbouring fields, a prominent building historically located in an isolated position. The pastoral character of the setting of the Conservation Area can also be appreciated from Warnicombe Lane to the south, which is of an elevated position. To the north of Tidcombe Hall and to the west, the area has altered from a rural undeveloped landscape to residential, thus the open landscape character to the east and south remains an important link to the rural setting of the Conservation Area.

Much of the Conservation Area is experienced within the rural landscape, positioned between settlements. The historically open and agricultural land positively contributes to the pastoral character of the Conservation Area's historic setting, as shown in View 3. There are noteworthy buildings in the setting of the Conservation Area, often within views from the canal across the agrarian landscape to settlements such as The Parish Church of St Andrew, Halberton. Historic farmsteads such as Tidcombe Farm and Battens Farm set within the rural landscape are positive elements within the Conservation Areas setting.

⁶ 'Annex 2: Glossary', *The National Planning Framework*, The Department for Levelling Up, Housing and Communities, December 2023

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Where urban development has expanded into the countryside, this has a detrimental effect. There are further areas where the setting has been urbanised including the significant change to Sampford Peverell in recent decades, with extensive and prominent residential development adjacent to the canal. Much of the rural character of the setting of the Conservation Area has been lost here. There is little architectural quality to much of the development which can be prominently viewed from within the Conservation Area, such as by Buckland Bridge.

Also within the Conservation Area's setting to the east of Sampford Peverell, the historically undeveloped area of land has been negatively impacted by the A361 and prominent development upon its boundary including large industrial storehouses at Holbrook Farm, and the area of caravan parking adjacent to the canal.

The small settlement of Ayshford with its historic buildings provides a clear pastoral character to the Conservation Area and its historic setting is better preserved. Whilst some development has occurred within Lower Ayshford Farm and a large storage building to the north, the area has retained its pastoral character. The development of a solar farm nearby within the setting of the Conservation Area has had a negative impact on the character of the Conservation Area, due to factors including visual prominence and change to the landscape character.

Character Area 4 of the Conservation Area and its setting has undergone little change over time, comparative to other Character Areas, kinetic views across the fields towards the Conservation Area such as from the Public Right of Ways west of the canal and to the east adjacent to Eastbrook Farm contributes to our appreciation and understanding of the rural character of the Conservation Area.

There has been infill development within Burlescombe adjacent to the Conservation Area, the development has had a detrimental impact due to

its prominence and the unsympathetic palette of materials. A notable historic building within the setting of the Conservation Area includes the Parish Church of St Mary the Virgin, Burlescombe. The tower of the Church is visible in long distant views from within the Conservation Area, its architectural value and position as a visual way marker allows an appreciation of the Conservation Areas historic significance.

To the north, at the termination of the canal at Lowdwells Lock, the rural character of the Conservation Area and its setting remains appreciable. On the approach to the Conservation Area, small rural lanes are the primary route of travel. The undeveloped countryside and few dwellings along the country lanes attest to the rural character and setting of the Conservation Area.

5.0 Opportunities for Enhancement

5.1 Overview

The following key issues have been identified and are summarised below in brief. The list is in no way exhaustive and neither are the issues identified unique to the Grand Western Canal Conservation Area, with many being shared with other conservation areas within the district.

5.2 Heritage at Risk

The Grand Western Canal is not on Historic England's Heritage at Risk register. Canonsleigh Abbey, a Scheduled Monument, is on the register, the condition is noted as '*generally unsatisfactory with major localised problems*'. The local authority and Historic England will proactively engage with the owner to improve the condition of the asset and seek its removal from the register.

There is no statutory obligation upon the owner of a listed building to maintain their property or keep it in a good state of repair, although it is in their interest do so. If left unchecked, buildings can deteriorate quickly resulting in ever increasing costs for complicated restoration and repairs. In addition, the National Planning Policy Framework states that 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision (Paragraph 202). The fabric of a heritage asset always retains its significance whatever the condition and the poor state of an asset would not automatically justify demolition.

5.3 Access and Integration

The Grand Western Canal Conservation Area covers an extensive area through Mid Devon, being approximately 11.3 miles in length. The Conservation Area and the towpath itself is a public footpath and there are multiple points where the Canal can be accessed. The Grand Western

Canal is well signposted, including the location of parking areas, as it is a Country Park and managed by Devon Country Council. Interpretation boards are placed at many of the main points of access.

5.4 Car Parking and Traffic

The Grand Western Canal due to its length and the multiple points of access attracts many visitors to the Conservation Area. The canal is for pedestrian or cyclist access only along the towpath, the volume of traffic within the Conservation Area is typically confined to the roads which cross the canal and this varies throughout the day. Car parking areas for the canal are provided along its length which help to reduce the presence of cars parked on verges beside roads along its length. While the volume of traffic varies, routes through the Conservation Area are also used by large vehicles, such as the traffic to Westleigh Quarry. The negative impacts of heavy vehicle use includes traffic congestion, reducing road safety, and overall, there is an adverse impact to appreciate the Conservation Area. Often traffic crosses narrow bridges, which also may be listed buildings.

Consultation between the Local Planning Authority and the Highways Authority should consider ways to alleviate the impacts of traffic and to protect the historic environment. This could be through a heavy vehicle restriction strategy.

5.5 Inappropriate and Unsympathetic Alterations

Where there are instances of inappropriate and unsympathetic additions to buildings or structures within the Conservation Area, this results in a cumulative negative impact. The prevalent use of UPVC is an issue common to conservation areas throughout the district, including the Grand Western Canal Conservation Area. In addition, the installation of roof lights, TV aerials, extraction flues, box dormers and unsympathetic

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fixings to the historic façade of buildings harms the character and special qualities of the area.

For the residential buildings located within the Conservation Area, the agglomeration of structures built on gardens which infill and reduce views to and from the canal can have a detrimental impact to our appreciation of the Conservation Area. The properties in close proximity to the canal typically are set back and feature well-proportioned gardens which affords the dwelling privacy. The gardens enhance the settings of the properties and the character of the area.

There are examples of unsympathetic or piecemeal boundary treatments and this has harmed the special qualities of the area and the setting of historic buildings. The loss of traditional boundary treatments such as low stone walling or iron railings for close board fencing or concrete walling has a harmful impact on the character and special interest of the Conservation Area. Historic boundaries will require repair and their repair or replacement using traditional materials is the only appropriate response.

5.6 Materials

The introduction of materials and a colour palette of a low-quality or unsympathetic form is of a concern within the Conservation Area. In particular, the loss of traditional or historic joinery for UPVC replacements is a concern, furthermore modern materials such as cementitious render, concrete or synthetic roof tiles diminishes the architectural quality of the area. The use of modern materials which are out of keeping with the area can have visually domineering impact to the streetscape and views within the Conservation Area.

Signage within the Conservation Area is typically that of timber signposts or are of metal. Within Tiverton Basin, Character Area One, there is a small amount of signage for commercial premises such as for the Tiverton

horse-drawn barge. Signage and good quality signage is important to the street scape of the Conservation Area, it should seek to emulate traditional designs, proportions and materials.



Tiverton Canal Company beside the canal

Typical materials have been identified within each Character Area, these descriptions should be referenced when new development or alterations are planned to ensure any development makes appropriate reference to the special interest of the Conservation Area and its character.

5.7 Maintenance

Routine maintenance is required to prevent further deterioration of historic boundary walls and buildings throughout the Conservation Area. Historic England defines maintenance within Conservation Principles as “routine work necessary to keep the fabric of a place in good order”. The importance of regular and preventative maintenance cannot be over-emphasised, as this can avoid the loss of historic fabric or costly repairs.

The replacement of a traditional element that has been allowed to deteriorate, such as a timber sash window, with a modern UPVC unit would have a detrimental impact on the Conservation Area. There is scope for better engagement with landowners to improve the appearance of the Conservation Area and properties. Examples of elements which detract from the Conservation Area and result from lack of maintenance include:

- Poorly maintained grounds and gardens.
- Failed paintwork on walls, windows and doors.
- Broken fascia boards, eaves and guttering.
- Use of front gardens with vehicles or other domestic paraphernalia.

The condition of the Scheduled Monument, Canonsleigh Abbey, which is also individually Grade II listed is also of concern. The asset is on the Heritage at Risk register.

5.8 Public Realm

Street Furniture (Benches, signage, bins, bike stands, bollards etc.)

Street furniture throughout the Conservation Area is generally of an acceptable quality, albeit generic in appearance. There is a general lack of streetlights, with the exception of built up areas such as Tiverton. Benches are seen regularly along the length of the canal, often of a

standard type being of timber. The bins within the Conservation Area are generic in appearance, bright red in colour. The Conservation Area would be enhanced through their replacement with traditional and less vibrant bins.

Hard Landscaping

Pavements and road surfacing is generally of a good quality, the towpath is predominantly of gravel with a small area of pavement such as within the Tiverton Area. The painting of road surfaces, in particular upon the road carrying listed bridges, has the potential to result in a harmful impact on the Conservation Area and the buildings.

The removal of garden areas and in particular front gardens for parking will generally have a detrimental impact.

Open Spaces

The open and verdant spaces in the Conservation Area make a positive contribution and are integral to its character. The towpath itself is the predominant area of open and public space which allows for an appreciation of the special interest of the Conservation Area. Other important open spaces include areas where views are afforded across the rural landscape which contributes to our experience of the asset.

Smaller areas of open space, in particular where built form encroaches or abuts the boundary of the Conservation Area offer important areas of breathing space.

Trees and Planting

Areas of the Conservation Area are heavily wooded and the presence of mature hedgerows and veteran trees make a positive contribution. Invasive foreign species should be resisted and an appropriate level of maintenance should ensure that the footpath is not obstructed.

6.0 Management Proposals

This section seeks to identify and recommend management proposals, both short and long-term. The proposals are divided into themes in the sections below.

6.1 Development Management Tools

Enforcement

Where the necessary permission has not been sought for alterations, which are not contained within the General Permitted Development Order (2015), the Local Planning Authorities powers of enforcement should be considered. Enforcement could assist in reinstating any lost architectural features that may have a detrimental impact upon the Conservation Area. This can also help to avoid precedence being set for similar, uncharacteristic works.

Article 4 Directions

Article 4 Directions may be introduced as an additional planning control by the Local Planning Authority, removing specified permitted development rights. Article 4 Directions allow for change to be managed within the Conservation Area, ensuring any alterations or addition are sympathetic. Further details on Article 4 Directions within Mid Devon District Council can be found on the Council's website.

Heritage Statements, Heritage Impact Assessments and Archaeological Assessments

In accordance with Paragraph 200 of the NPPF (2023), applicants must describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

All applications within the Conservation Area and immediate setting requires an appropriately detailed Heritage Statement. Applications which fail to assess any impact on setting and significance should not be validated.

The key views included within this document are in no way exhaustive. Any future development with the potential to affect the setting and significance of the heritage assets must provide a bespoke assessment of the potential impacts. This should be in accordance with Historic England's Good Practice Advice in Planning Note 3: *The Setting of Heritage Assets* (2019).

Local Heritage List

A Local List identifies building and structures of local architectural and/or historic interest, and these are considered 'non-designated heritage assets' under the NPPF. Local Lists can be beneficial in ensuring the maintenance of historic buildings and the character of a settlement or conservation Area. The Local List can allow for greater understanding of the area and to improve public engagement.

Mid Devon has produced a limited Local List of buildings of historic and/or architectural interest. The list should be periodically reviewed and updated, as an expanded Local List would aid in the preservation of the District's built heritage. Inclusion of a building or structure should be based on sound evidence, Historic England's guidance provides the criteria for assessments.

<https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/heag301-local-heritage-listing/>

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Character Appraisal and Management Plans

The Conservation Area Appraisal and Management Plan should be reviewed from time to time, to monitor change and to inform management proposals.

Conservation Area Boundary

The Conservation Area boundary should be reviewed as part of future management plans, to ensure it adequately protects the significance of the area.

6.2 Managing Future Change

New Development

New development within the Grand Western Canal Conservation Area and its setting should make a positive contribution to the Conservation Area, or at least, preserve its special interest. To be successful, future development should consider the character of the Conservation Area and the special qualities of the area.

Successful new development will:

- Use materials and building methods which are high in quality of those used in existing buildings;
- Respect the scale of neighbouring buildings;
- Respect key/important views; and
- Reflect the pattern of existing development (historic layout).

Mid Devon District Council should guide development by:

- Engaging with developers at an early stage through the Pre-Application process.
- Ensuring that medium to large scale development is designed as a bespoke response to the established character of the area. The choice of materials and the detailed design of the building are

important features in ensuring that a response is sensitive to the Conservation Area.

- Seeking opportunities for developers to make a positive contribution to the historic environment through Section 106 Agreements.

The Setting of the Grand Western Canal

Some buildings or spaces fall outside of the Conservation Area, as they do not directly contribute to its special historic or architectural interest, but still may make an important contribution to its setting (as described above in Section 4.5). The Key Views identified in Section 4.4 include important parts of its setting and the buildings within it, however this is not an exhaustive account.

Any future development or alteration to these buildings or spaces outside the Conservation Area's boundary must carefully consider any potential impacts on the Conservation Area's character or local distinctiveness. Developments must be of a bespoke response to have no resultant harm.

The impact of any alteration, addition or removal of buildings, structures and trees on key views should be considered in decision making. This includes development outside of the Conservation Area. Where appropriate, views must be considered within Heritage Statements, in accordance with Historic England's Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017).

Sustainability

Mid Devon District Council recognises the benefits of renewable energy and the diverse effects of climate change and the growing considerations around change in the built environment. Some forms of renewable energy are less compatible with conservation areas or listed buildings. Solar panels, air source heat pumps and conditioning units installed in

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prominent locations would be intrusive to the character and appearance of the Conservation Area.

The fitting of external cladding, external insulation and triple glazing is also likely to harm the appearance of the Conservation Area. Historic England has produced guidance upon the role historic buildings can play in climate change mitigation and adaptation.

- Historic England Advice Note 14: Energy Efficiency and Traditional Homes (2020)
- Historic England, Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency (2018)
- Historic England, Traditional Windows: their care, repair and upgrading (2017).

Neutral Elements

Many buildings within the Conservation Area make a neutral contribution to the area. There is scope to enhance these sites and buildings through a considered design approach, through the continued use of high-quality materials and design. The Local Authority should not allow the quality of design to be 'averaged down' by the neutral and negative elements of the built environment.

6.3 Public Realm and Highways

Access and Integration

The continued maintenance of areas of public space, this predominantly being the towpath along the canal, can preserve and promote good design within the public realm. There should be collaboration between the Local Authority, landowners and the Highways Department to ensure that the maintenance and replacement of street furniture and hard surfacing reflects local character and distinctiveness. Excessive street

signage and road markings should be avoided, as this can have a negative impact upon the appearance of the Conservation Area.

Car Parking

The Grand Western Canal Conservation Area is well served by public car parks along its length. A car parking survey should establish the need for additional car parking and if necessary, a strategy should be created between Devon County Council and Mid Devon District Council.

Tree Management

As directed within the Town and Country Planning Act, all trees in Conservation Areas are afforded the same protection as a Tree Preservation Order. Trees which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, may not be felled or lopped unless six weeks written notice has been given to the Council. Six weeks' notice has to be given to the council under S211 of the Act.

6.4 Public Resources

The preservation of the historic environment and its enhancement can be improved through the publishing of resources aimed to inform property owners and the public. A summary of the Conservation Area Appraisal in the form of a leaflet can be an effective method to communicate the significance of the area and the implications of owning a property within a conservation area. In addition, the publication of a Design Guide on standard alterations such as windows, doors, rainwater goods, extensions and boundary treatments will ensure appropriate development.

The publication of a maintenance guide would also assist property owners in caring for their property in an appropriate manner. This should detail and provide guidance on the use of traditional materials and detailing of historic buildings. Poor maintenance leads to the deterioration of the building environment and may also result in the loss of architectural details.

6.5 Funding Opportunities

There are three main funding opportunities which would assist in the execution of these plans:

National Heritage Lottery Fund

The National Heritage Lottery Fund is the largest dedicated funder of the UK's heritage and therefore is the most obvious potential source of funding. Funding is provided in specific circumstances and is often targeted at schemes which preserve, enhance and better reveal the special interest of the area whilst also improving public awareness and understanding.

Section 106 Agreements

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon the Conservation Area. These agreements could be used to fund public realm or site-specific improvements.

Partnership Schemes in Conservation Areas (Historic England)

Partnership Schemes in Conservation Areas is a programme run by Historic England to target funding for the preservation and enhancement of conservation areas. The schemes are based on a partnership with the local authority. The scheme makes funds available to individuals to enable them to carry out repairs or improvement works to their property to enhance the area.

7.0 Appendices

7.1 Bibliography

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Historic England (2021), *Local Heritage Listing: Identifying and Conserving Local Heritage*.

7.2 Legislation, Policy and Guidance

Legislation/Policy/Guidance	Document	Policy/Section
Primary Legislation	Planning (Listed Buildings and Conservation Areas) Act 1990	Section 66: General duty as respects listed buildings in exercise of planning functions Section 72: General duty as respects conservation areas in exercise of planning functions
National Planning Policy Framework (NPPF)	Department for Levelling Up, Housing and Communities (DLUHC)	Section 16: Conserving and enhancing the historic environment Annex 2: Glossary
National Guidance	National Planning Practice Guidance. DLUHC 2014	ID:18a
National Guidance	Historic England, Conservation Area Appraisal, Designation and Management. Historic England Advice Note 1. 2 nd Ed. Historic England: Swindon, 2019	
National Guidance	Historic England, The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning Note 3. Historic England: Swindon, 2017.	
Local Plan, Policies and Supplementary Planning Documents	Local Plan Review 2013-2033, Adopted 2020	DM1,DM11, DM16 and DM25.

7.3 List of all Designated Heritage Assets within the Conservation Area

List Entry Number	Address	Grade	Date first listed
1384779	Canal Basin Lime Kilns at HGR SS 9638 1241, Canal Hill	II	01-Mar-1993
1384780	Lime Kiln Cottage, Canal Hill	II	14-Dec-1972
1384781	Withy Cottage	II	12-Feb-1952
1384969	Tidcombe Bridge, Tidcombe Lane	II	12-Feb-1952
1384856	Manley Bridge, Manley Lane	II	12-Feb-1952
1105876	Bridge at SS994121	II	11-Jun-1986
1105883	Crownhills Bridge	II	11-Jun-1986
1326158	Bridge at SS998132	II	11-Jun-1986
1326162	Milestone at SS9981333	II	11-Jun-1986
1105890	Sellick Bridge	II	11-Jun-1986
1106641	Greenway Bridge	II	11-Jun-1986
1106646	Rock Bridge, Rock Bridge	II	11-Jun-1986
1106647	Cottage 100 metres east of Rock House	II	10-Jun-1986
1306712	Rock House and Adjacent Range of Outbuildings to rear	II*	04-Apr-1966
1106648	Overock	II	10-Jun-1986
1105877	Battens Bridge (024136)	II	11-Jun-1986
1106398	Sampford Peverell Bridge, Turnpike	II	17-Mar-1988
1307072	Buckland Bridge, Whitnage Road	II	17-Mar-1988
1106462	Holbrook Bridge	II	17-Mar-1988
1325900	Ayshford Chapel	I	04-Apr-1966
1147581	Ayshford Court	II*	04-Apr-1966
1147593	Stables approximately 25 metres north east of Ayshford Court	II	17-Mar-1988
1325897	Ebear Bridge	II	17-Mar-1988
1236821	Milestone IX at ST 0647 1635	II	01-Mar-1993
1140104	Twin Culverts at ST 0643 1643	II	01-Mar-1993

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1325865	Fossend Canal Bridge	II	17-Mar-1988
1106456	Canonsleigh Barton Farmhouse	II	04-Apr-1966
1106457	Canonsleigh Priory Gatehouse	I	23-Oct-1951
1003830	Canonsleigh Abbey	Scheduled Monument	01-Apr-1953
1106458	Canonsleigh Priory Mill	II	23-Oct-1951
1106470	Limekilns at ST 066 174	II	17-Mar-1988
1236822	Fenacre Bridge	II	01-Mar-1993
1140142	Waytown Limekilns	II	01-Mar-1993
1325913	Waytown Tunnel	II	17-Mar-1988

7.4 Frequently Asked Questions

What is a conservation area?

Conservation Areas are designated by the Local Planning Authority, due to their special architectural and historic interest. Conservation Areas differ in size and character, as each place has its own special character and appearance. The types of conservation areas range from historic town centres, small villages and to large country houses. Conservation Area designated introduces additional planning controls and consideration within the planning process. These controls exist to protect an area's special interest.

The 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 specifies the general duty of Local Authorities to Conservation Areas in the exercise of planning functions (Section 72). The Act directs that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework regards conservation areas as 'designated heritage assets'.

How are conservation areas designated?

The designation process by the Local Authority includes an analysis of the proposed conservation area to understand its special architectural and historic interest. The Conservation Area is supported by an appraisal and management plan, this should set out its character and various positive proposals to manage, enhance and protect the Conservation Area.

A review process should be periodically undertaken and the Conservation Area assessed to safeguard that it retains its special architectural or historic interest.

How can I find out if I live in a conservation area?

Boundary maps of all conservation areas within Mid Devon can be found on the Council's website and within each appraisal.

What is an Article 4 Direction?

Article 4 Directions are written specifically to control works within conservation areas which have the potential to harm their character and special interest, by removing certain types of permitted development. An example of this would be the removal of permitted development rights for the replacement of windows and doors. The loss of features which positively contribute to the special interest of the Conservation area would be considered harmful.

Mid Devon Council has published any existing Article 4 directions upon their Conservation Areas [page](#).

Will I need to apply for permission for a new outbuilding, fence or boundary wall?

Any demolition, development or construction within a conservation area will generally require planning permission. A replacement boundary, outbuilding or structure such as garage will need to be designed with the special architectural and historic interest of the Conservation Area in

The Grand Western Canal Conservation Area

mind. Mid Devon District Council will provide advice on how to proceed with an application including the offer of Pre-Application Advice.

Can I demolish a building in a conservation area?

Demolition, or substantial removal of part of a building within a conservation area, will normally require planning permission as defined under the Planning (Listed Buildings and Conservation Areas) Act 1990. Advice on permissions should be sought from Mid Devon District Council and further guidance can be found upon the [Planning Portal](#).

Can I remove a tree within a conservation area?

The local planning authority must be notified six weeks in advance if you are planning to cut down or carry out pruning work. This allows the local authority to assess the contribution of the tree to the character of the Conservation Area and whether, if necessary, a Tree Preservation Order (TPO) should be created to protect it.

The legislation relating to trees within conservation areas is included within Part VIII of the Town and Planning Act 1990. This is supplemented by the Town and Country Planning (Tree Preservation) Regulations 2012. Historic England has produced further guidance available [here](#).

How do I find more information about conservation areas?

Historic England has published guidance on conservation areas and their designation, including an advice note called *Conservation Area Designation, Appraisal and Management* which sets out advice on how to analyse special interest and manage change in conservation areas.

Historic England's website contains additional information and advice on conservation areas, available here: [What Is a Conservation Area? | Historic England](#).

What is setting?

The National Planning Policy Framework (NPPF) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (Annex 2: Glossary).

All heritage assets have a setting, irrespective of their form and whether they are designated or not. The extent and contribution of setting to the significance of a heritage asset should be in the form of a thorough assessment to allow for an informed understanding, of the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The extent of setting is often expressed by visual considerations, including views to and from the asset. Although views will play an important role in how we experience an asset within its setting, it is also influenced by other environmental factors such as noise, movement and activity. Also the historic relationship between places further contributes to our understanding and experience of a heritage asset.

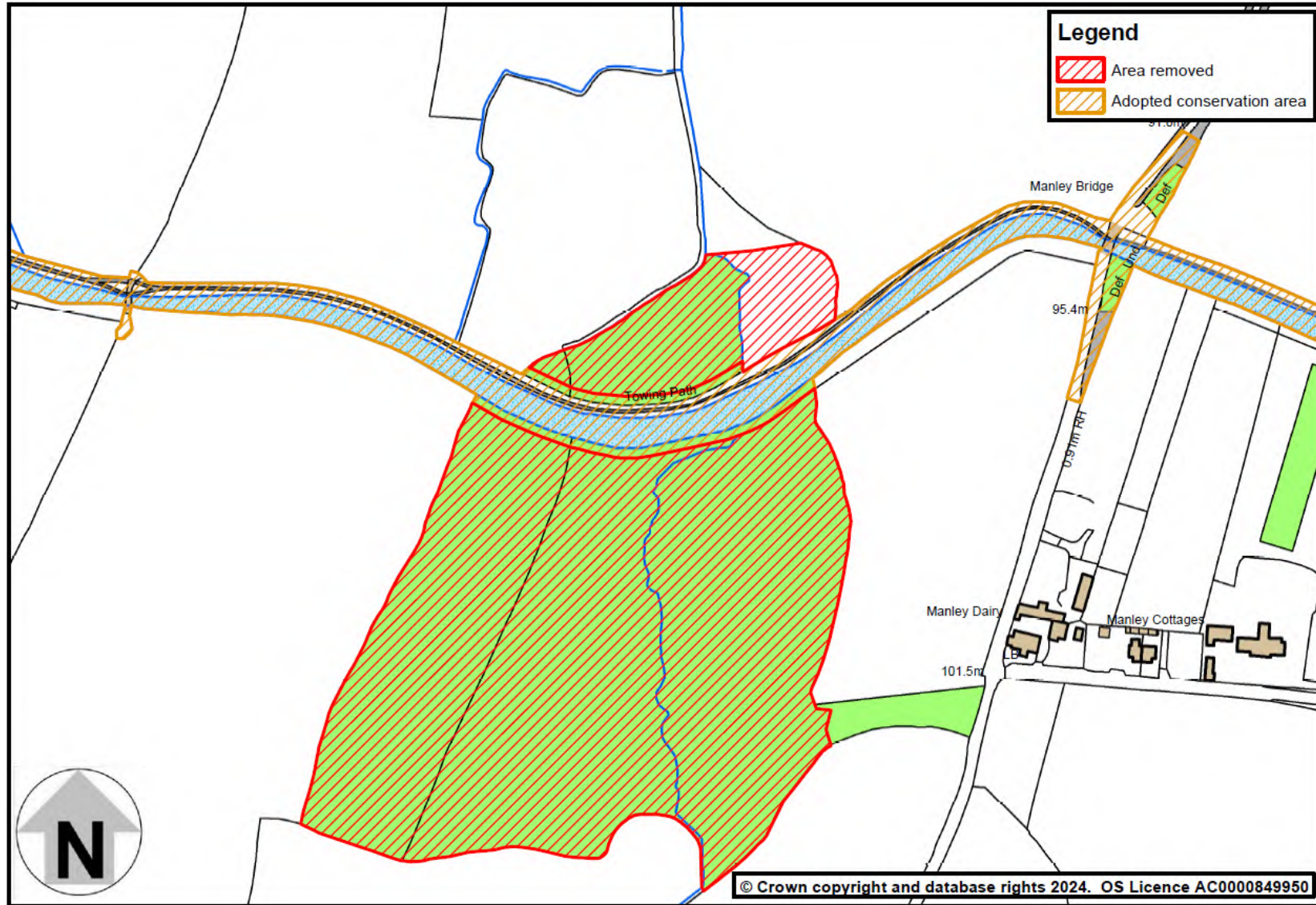
The extent and contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. Local planning authorities may also need to consider the implications of cumulative change (PPG, paragraph: 13, REF ID: 18a-013-20140306).

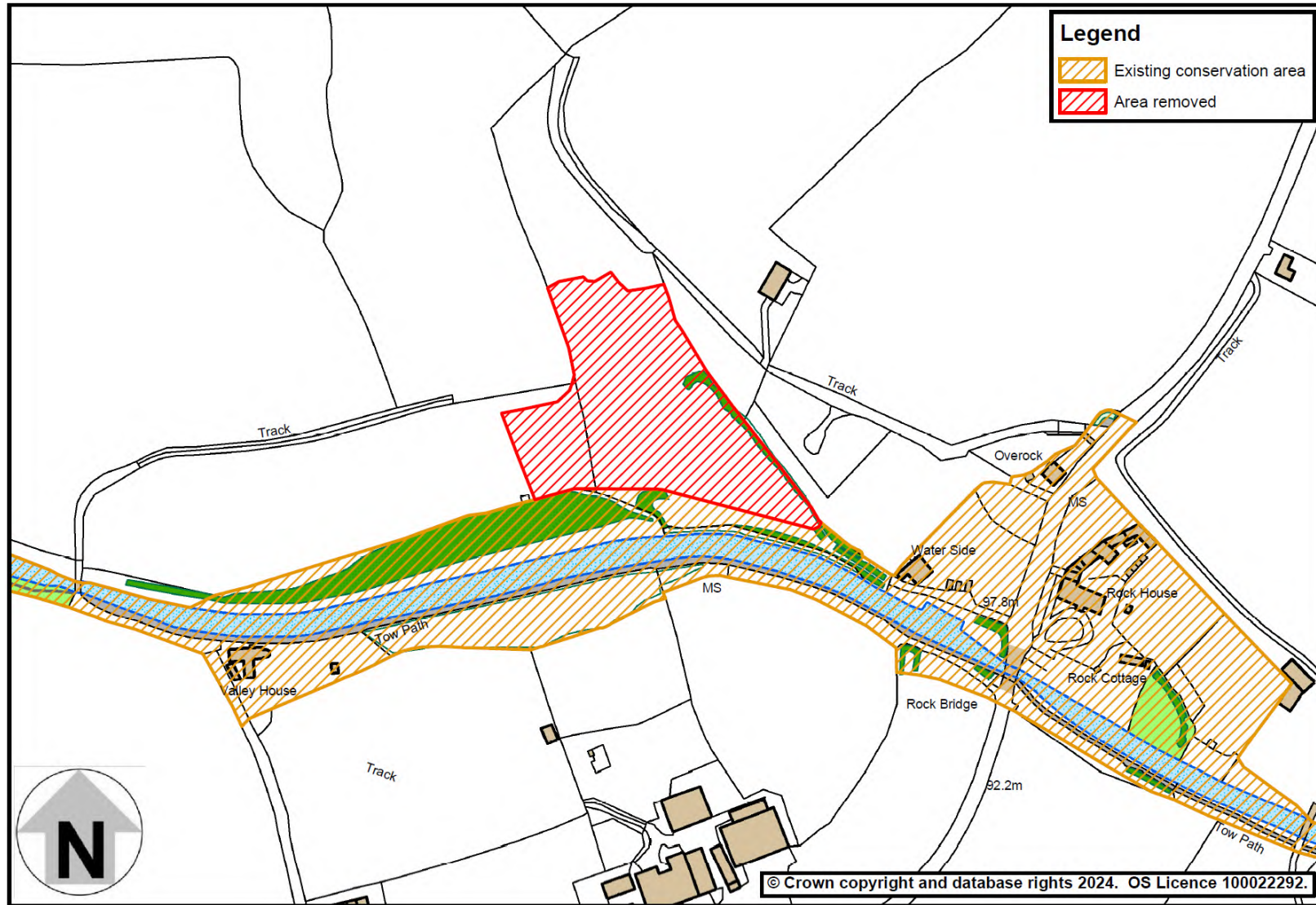
7.5 Glossary

Term	Description
Archaeological interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.
Conservation (for heritage policy)	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Historic environment record	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Local List	Local listing is a concept that is designed to ensure that the historic and architectural interest of buildings that are of local importance but do not meet the criteria for being nationally listed is taken account of during the planning process. Local lists can be used to identify significant local heritage assets to support the development of Local Plans.
Non-Designated heritage asset	Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. Only a minority of buildings have enough heritage significance to merit identification as non-designated heritage assets.
Setting of a heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
Significance (for heritage policy)	The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

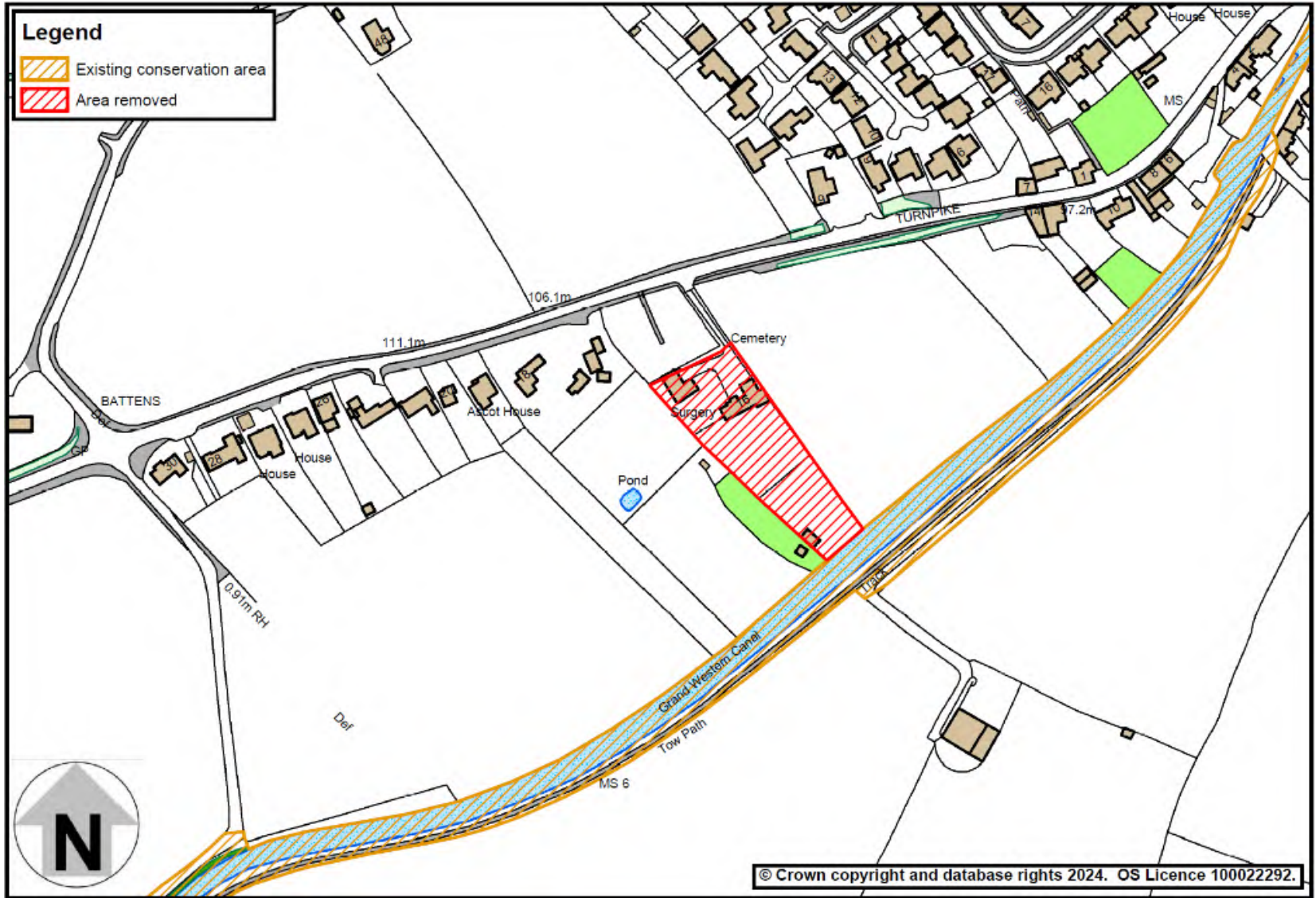
7.6 Maps

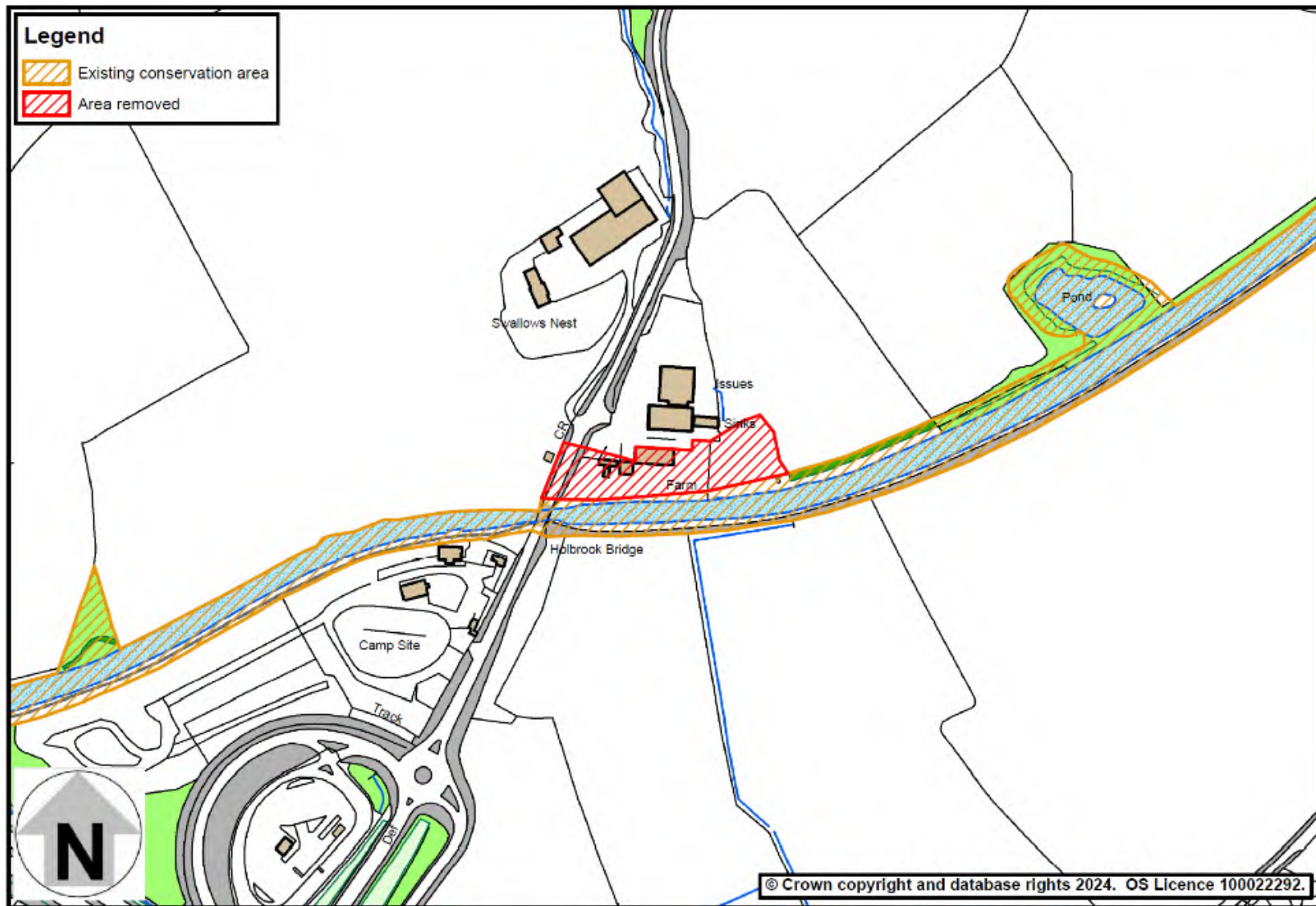


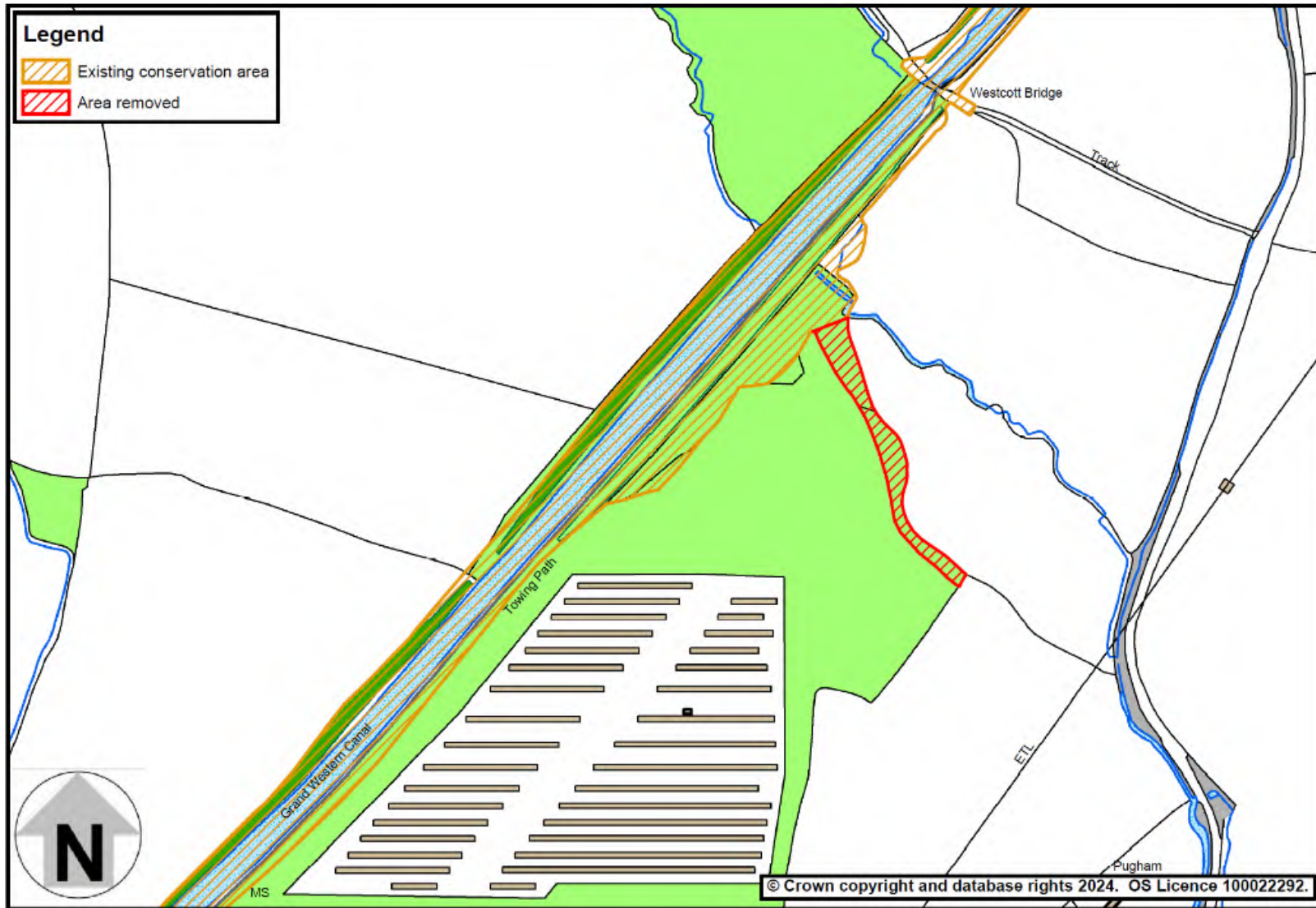


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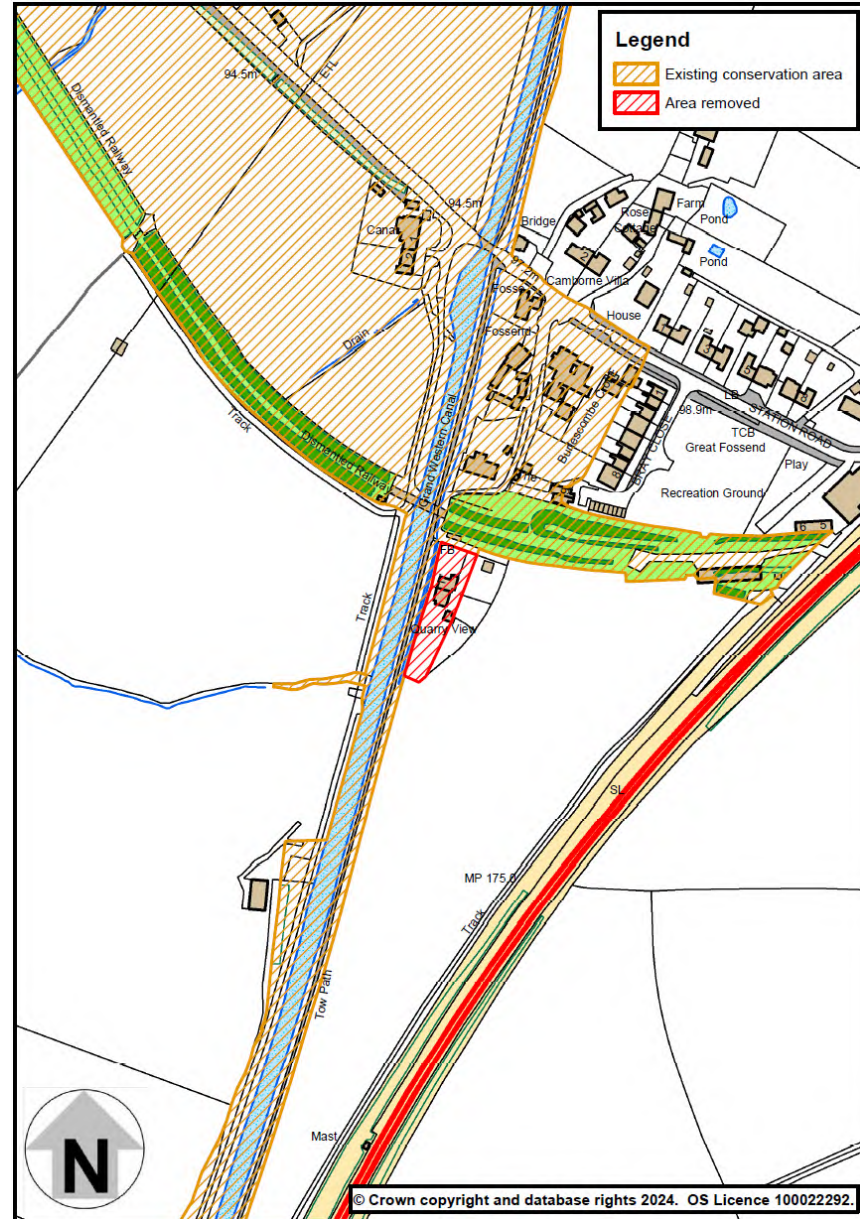
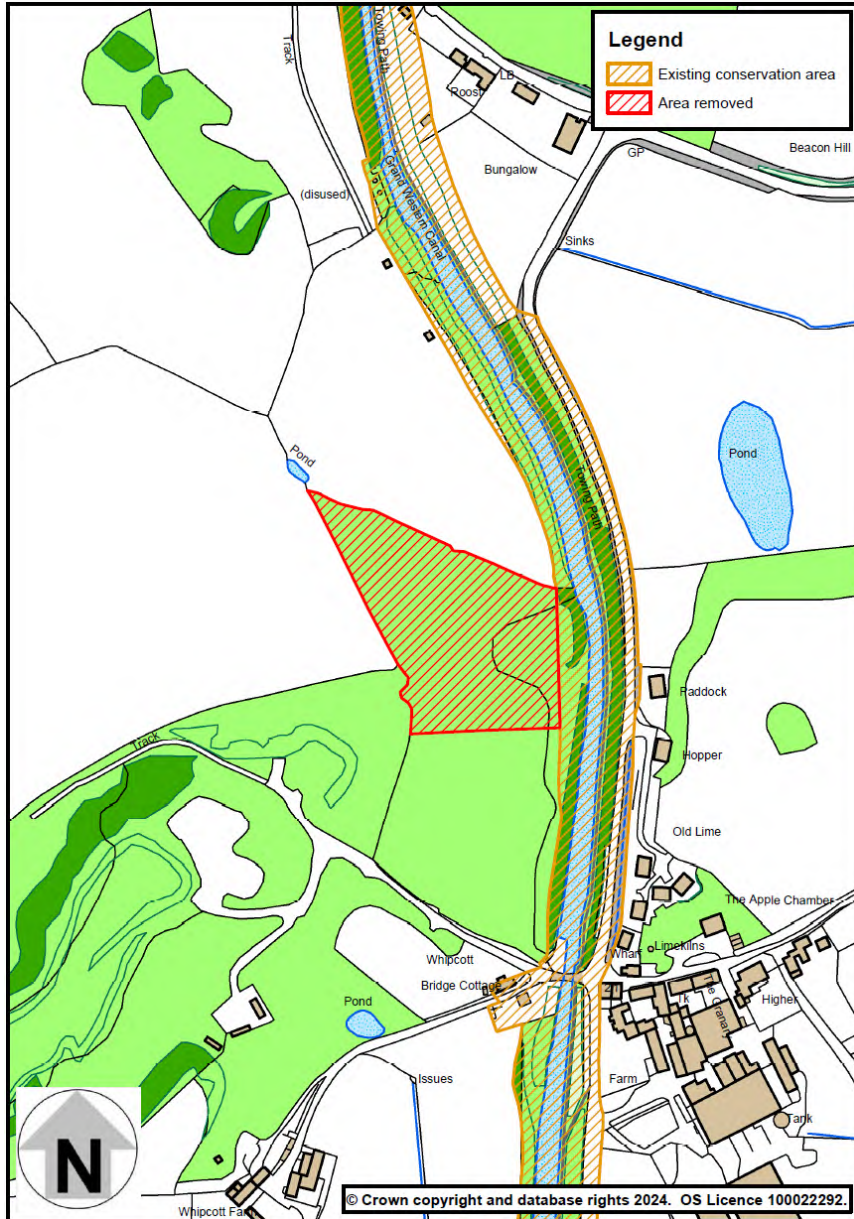




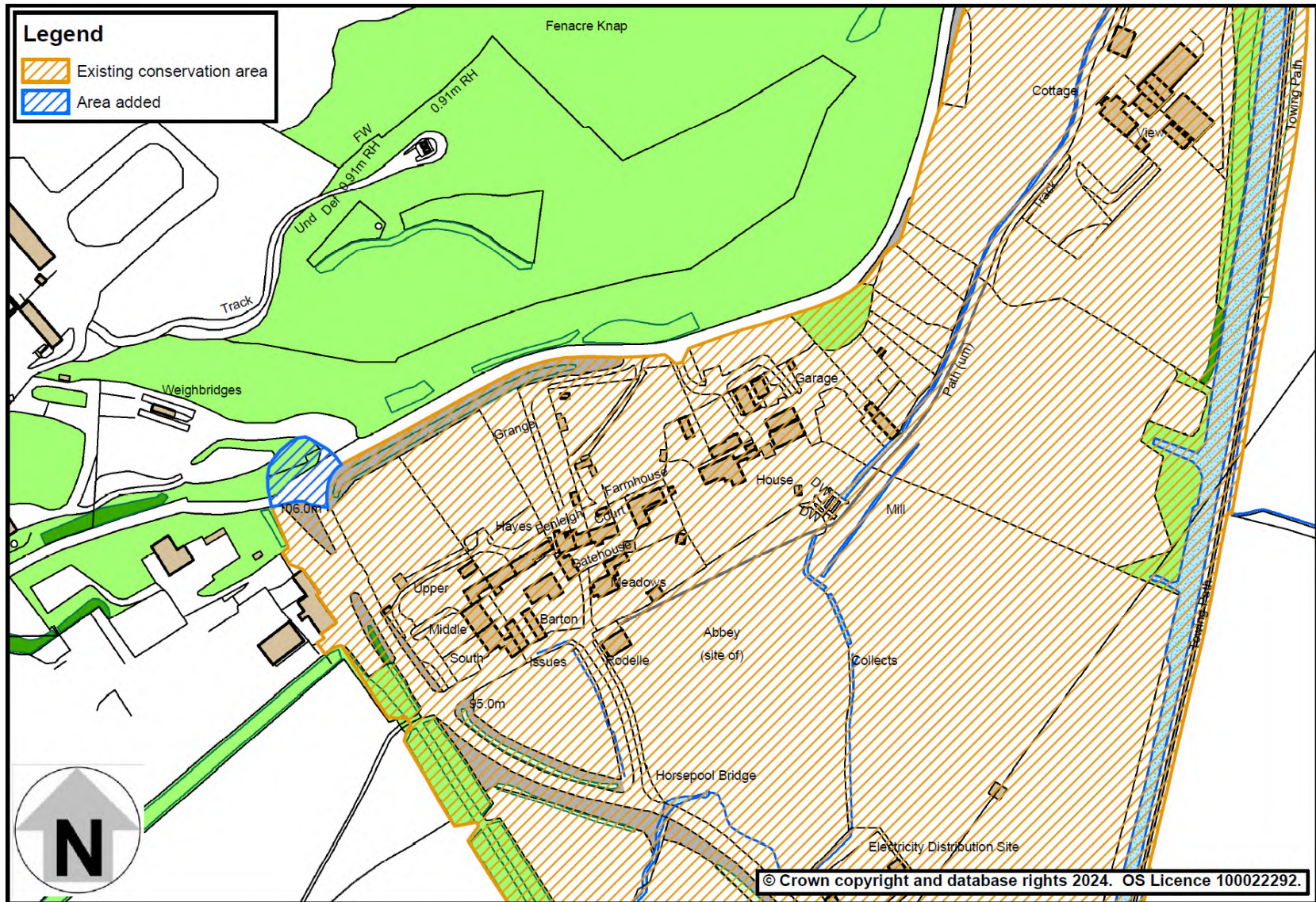


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Appendix 2 GWC CAAMP Consultation Responses

Individual / Organisation	Comment	Action/Response
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 151</p> <p>Burlescombe Parish Council</p>	<p>Burlescombe Parish Council Grand Western Canal Public Consultation Response to Draft revision of the current conservation area.</p> <p>Following its meeting on 11th September 2024 and having studied the 82-page draft plan, Burlescombe Parish Council RESOLVED to submit the following response.</p> <p>The Parish Council believes there should be no reduction in the current conservation area's. We would concur with those submissions that suggest an increase in certain areas along the length of the canal.</p> <p>There are several locations which we would wish to keep, extend and conserve, within the Parish of Burlescombe.</p> <ul style="list-style-type: none"> • The Lime Kilns at Canonsleigh - the Parish Council supports the inclusion of these in the Conservation area. • Whipcott Lime Kilns are not included in the draft proposals and are of equal historic value and would urge that these are also included in the revised draft. • Whipcott Tramway. As set out by the FVEG submission there is historic value at this site, and we agree that this should also be included in the revised plan. <p>Whilst not in the Burlescome Parish the council feels it should comment that the Tidcombe Hall area and surrounding land should be included within the conservation plan.</p> <p>Kind regards,</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>Both the Whipcott Lime Kilns and Tramway are not proposed to be included within the designated conservation area as this would necessitate a large area of land not of historic or architectural interest being included. Additionally both are much altered and other structures in the area have been erected which would not contribute to the Grand Western Canal's significance. There is potential for schemes to come forward in the future which could help to achieve the sensitive repair and conservation of the buildings. This may provide an opportunity for the Council to review the buildings against the criteria for Local Listing. Local Listing would result in structures being identified as 'non-designated heritage assets', and their significance would be recognised. This supported by policy within the National Planning Policy Framework.</p>
<p>Individual</p>	<p>To whom it concerns</p> <p>Further to the planning meeting re the above 'Canal Conservation</p>	<p>Thank you for your comments.</p>

Appendix 2 GWC CAAMP Consultation Responses

Individual / Organisation	Comment	Action/Response
<p>Page 152</p>	<p>Boundary Changes’, and Councillor investigation into the state of waterlogging in the fields to the east of Tidcombe Hall and Snakes Wood, I also feel that the removal of these fields from their present conservation status could seriously impact on future flooding and overtopping of the canal. There is 19th century reference to the substantial hydrological reserves of underground water, which still surfaces in great quantity, in some cases naturally along a spring line of Warnicombe Lane and drains towards the canal.</p> <p>The quantity of water is such that <i>‘Despite a reluctance to provide cultural facilities, the Borough Council were making progress on what obviously were more pressing matters. Water consumption was rising in the town all the time, both for domestic and, increasingly, for industrial uses. A plentiful supply was urgently needed. In 1888 permission was sought from the Rev. William Rayer to search for an underground source at Bingwell, but he refused. The Council did, however, obtain the right to prospect on the adjacent property of Warnicombe. Boreholes were sunk and water found. At a depth of 20 feet, the shaft was yielding 11,000 gallons a day, but, although this was considered sufficient to make up the town’s needs, it was decided to drill further into the hillside. By May 1892 68,000 gallons were coming from this source every day, but the hot summer...’</i> Source: Mike Sampson ‘A History of Tiverton’.</p> <p>Showing that the whole of Tiverton’s water supply in the late C19 could be fulfilled by water contained within the southern flank of the canal, at Warnicombe which is to the south of the two fields (existing conservation area), to the east of Tidcombe Hall.</p> <p>This area is drained by streams which recently have been re channelled across these fields and unless this parcel of land</p>	<p>The comments in relation to drainage and flood risk are noted and are helpful to assist the understanding of the area. However, these matters are not directly relevant to the special historic or architectural interest of the canal itself.</p> <p>The Council has been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and this contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore has sufficient special interest to justify its retention in the conservation area and this approach is consistent with the National Planning Policy Framework.</p>

Appendix 2 GWC CAAMP Consultation Responses

Individual / Organisation	Comment	Action/Response
	<p>alongside the canal is conserved and managed within the canal conservation area the water flow could overflow substantially into the canal creating environmental damage to the residential area of Glebelands to the north (downhill) of the canal, flooding Ailsa Brook, into the river Lowman.</p> <p>Photos of the fields included in the present conservation area, showing land drains and leachate entering the canal and affecting the water levels, quality and indigenous wildlife.</p> <p>These fields need to remain within the conservation area to maintain the viability of the canal remaining a heritage asset.</p>	
<p>Halberton Parish Council</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 153</p>	<p>At its meeting on 13 August 2024 and having being part of the Joint Advisory Committee, Halberton Parish Council recognised that such consultations had to be undertaken on a regular basis.</p> <p>The Parish Council noted that the consultation allowed for both exclusions and inclusions to the current conservation area and that any decisions taken should not reduce the amenity value and enjoyment of this historic waterway given its economic value to the local community nor impact any areas of historical significance.</p> <p>The Parish Council reviewed the impact on Halberton itself and noted that the consultation suggested that an area of agricultural land near Rockbridge be taken out of the GWC conservation area. The land was of a steep terrain and the Parish Council believed it had no close links to the canal.</p> <p>Whilst the Parish Council RESOLVED that it was important to preserve the beauty of the GWC and maintain it as an asset, the land in question was more than likely to remain as agricultural land and provided the bio-diversity of the land was maintained and TPOs were requested for any trees of value and hedges retained,</p>	<p>Thank you for your comments.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest.</p> <p>These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

Appendix 2 GWC CAAMP Consultation Responses

Individual / Organisation	Comment	Action/Response
	<p>they had no objection to that piece of land being taken out the conservation area.</p> <p>Regards,</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 154</p>	<p>Thank you for the opportunity to comment on this document.</p> <p>Having read the document and attended the July meeting, I believe that I understand the assessment of 'significance' and 'historical and architectural interest'. However, it seems to me that your Technical Note also points out that 'setting' is also very important. Given that the canal as a whole is surely the main item of historical (and in places architectural) interest, <u>then the setting of the canal itself (not just specified parts) must be of equal importance.</u></p> <p>I therefore wish to record my specific opposition to the removal of certain areas from the Conservation Area, particularly the Snakes Wood area and along the southern boundary of the canal between Tidcombe Lane and Manley bridge. I believe that these are fundamental to the setting of the canal in these reaches.</p> <p>This part of the canal is among the most used by residents and visitors, being closest to Tiverton centre and the Canal Basin. You will of course be aware of the large numbers of people who visit Tiverton to walk and cycle along the canal and indeed to use it for watersports. The setting of the lengths of canal I've mentioned earlier is a major part of its character. I therefore urge the council to make every effort to retain the status of those boundary areas along the canal which you propose to remove from the conservation area. Removing them will eliminate the (granted, limited) protections that come with the 'conservation area' status</p>	<p>Thank you for your comments.</p> <p>The Setting section of the document describes how this is important and viewed by Policy. An amendment has been made to the document on Page 60 to include reference to the fields adjacent to Tidcombe Hall.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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	<p>and ultimately be detrimental to the canal's setting and therefore the use of the canal itself in its present form.</p> <p>Thank you for considering this.</p>	<p>Snakes Wood is designated as an area of Ancient Woodland and also a County Wildlife Site. The canal and Snakes Wood are protected and managed through these designations.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 155</p>	<p>Re: Grand Western Canal Conservation area review and proposals.</p> <p>The Grand Western Canal is a lovely place to walk and cycle once you get out of the built up area. It's a valuable part of Mid Devon and in my opinion, the chances of excessive house building should be prevented.</p> <p>Whilst I appreciate that housing needs to be built, reducing the conservation area opens the area up to housing developments - this applies to the fields to the side of Tidcombe Hall. Another area of concern is in and around Snake Woods. This, in my opinion, should be included in the countryside park.</p> <p>As I've already mentioned, the enjoyable part of the canal is when you go beyond the built up area. It's a chance to be in nature away from the hustle and bustle of the town.</p> <p>I'd be grateful if these points could be considered as part of the consultation.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and is specifically in relation to the canal's special historic and architectural interest. This technical exercise is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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		<p>There is currently no public access to Snakes Wood and its inclusion in the Country Park is therefore not justified. There is potential for Snakes Wood to be made a Tree Preservation Order (TPO). However, this is currently unlikely and will require investigation. However, there will remain the opportunity for the Council to assess whether any of the existing trees, or groups of trees at Snakes Wood merit the making of a Tree Preservation Order (TPO) in the interests of amenity.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 156</p>	<p>To whom it may concern,</p> <p>I would ask the council to reconsider the area to the east of Tidcombe Hall and Snakes Wood and to welcome the addition of Cracker Corner and lime kilns at Westleigh.</p> <p>To keep the Grand Western Canal Conservation Area completely intact, for all future generations of residents and visitors to enjoy.</p> <p>There are other sites more suitable for housing not in a conservation area.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and is specifically in relation to the canal’s special historic and architectural interest. It is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p> <p>Snakes Wood does not form part of the canal’s special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site.</p> <p>Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity.</p>

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Willand Parish Council	<p>Good morning,</p> <p>Please see below Willand Parish Council’s response to the consultation:</p> <p>Concerns have been raised that reducing the conservation area around the canal might lead to additional development that could have a detrimental effect on the view from and surrounding environment of a key tourist asset in the area.</p> <p>Kind regards,</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 157</p>	<p>Conservation Area around GWC</p> <p>I write to object to the possible removal of sections of the existing Conservation Area particularly adjacent to Tidcombe Hall and Little Tidcombe Farm.</p> <p>MDDC is required to identify features of special historic and architectural interest “which deserve careful management to protect the character” of an area. As such, this stretch of the Grand Western Canal needs very careful consideration as MDDC could be challenged should it remove Conservation Area status from a part that meets the criteria.</p> <p>As you know, Historic England directs councils to listen to local voices regarding Conservation Areas. You will be aware how strongly local people feel about this from the response at various meetings, online and in local media. When it comes to The Grand Western Canal, we all need to tread lightly. This is a unique and highly valued heritage asset and it is our duty to protect it for the future.</p>	<p>Thank you for your comments.</p> <p>All comments received have been carefully considered by the Council and further investigation has been undertaken where necessary in relation to information provided to the Council and the issues that have been raised.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance and is specifically in relation to the canal’s special historic and architectural interest.</p> <p>A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>It is not proposed to extend the current adopted Conservation Area boundary to Tidcombe Farmhouse as this would necessitate large areas of agricultural land being included. These areas not being of special interest. Furthermore, the farmhouse pre-dates the canal and does not contribute to the understanding of the canal’s</p>

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<p>Page 158</p>	<p>It is of concern that the appraisal report overlooked the Grade II listed Little Tidcombe Farm in the relevant section even though it borders the area under review. Nor did the report include in the appropriate section any photographic representations of the historic building as part of the survey suggesting that insufficient consideration was given to this part of the Conservation Area.</p> <p>The Tidcombe fields are an intrinsic part of the canal story and have been included in the Conservation Area from the time of designation. The strong historic links between the farm and Tidcombe Hall and with the Grade II listed Tidcombe Bridge, and the relationship of all three with the construction of the canal, are strong arguments for maintaining the whole within the Conservation Area.</p> <p>Part of the charm and unique nature of The Grand Western Canal is its 'snake-like' course. Tidcombe's iconic 'bulge' exists because the owner of the Hall and Little Tidcombe Farm refused permission for the canal to cross the land here. The shape of the canal at Tidcombe Hall and Little Tidcombe Farm is an important feature referencing their direct historical and architectural links with the canal.</p> <p>The owners of Tidcombe Hall and its home farm of Little Tidcombe insisted the canal be built in this particular way to protect the hall and farm. The natural spring that runs down onto the fields close to Little Tidcombe Farm is a medieval water course and is believed to have fed a fish pond (the remains of which have yet to be investigated) at the time of the construction of the canal.</p> <p>Locals believe that, during the construction of this section of the canal, workers were housed in Little Tidcombe Farm buildings. A</p>	<p>significance. Tidcombe Farmhouse does, however, form part of the wider landscape and 'setting' of the canal. Applications with the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>

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<p>Page 159</p>	<p>footpath, now obsolete, existed at the time along the south bank of the canal leading to a temporary bridge at Warnicombe enabling canal workers to cross during the construction process. This footpath was signed until at least 1989 when Lower Warnicombe Court barns were converted.</p> <p>We need to do all we can to support and protect the Tiverton Canal Company. As well as celebrating Tiverton’s proud canal history with the horse-drawn canal barge experience (one of only two remaining in England), they are creating history for future generations.</p> <p>Little Tidcombe Farm, as we know, is the magical point where the countryside opens out and the glorious Devon views to the south begin. This should remain part of the Conservation Area and there are no reasonable grounds for removing it.</p> <p>In other recent local examples of Conservation Areas, the council has taken on board the views and recommendations of the community. I hope that the Cabinet moves decisively and unanimously to maintain the Tidcombe section of the GWC in the Conservation Area.</p>	
<p>Individual</p>	<p>Sirs,</p> <p>Whilst it may be incumbent upon the MDDC to review the current status of the Grand Western Canal Conservation Area, there is no statutory compulsion necessarily to effect any changes to the existing arrangements. The current plan was drawn up in 1994 when the local scene and the pressures on matters of this sort were unrecognisably different. Since that time, the demands on potential building land and our appreciation of things less material</p>	<p>Thank you for your comments.</p> <p>All comments received have been carefully considered by the Council and further investigation has been undertaken where necessary in relation to information provided to the Council and the issues that have been raised.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest, and it is not about the potential development of land or determination of</p>

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<p>Page 160</p>	<p>- considerations often in mutual conflict - have increased immeasurably.</p> <p>To propose a portion of the existing area to be excluded from a revised plan due to a claimed absence of "architectural or historic interest" is, in isolation of the remaining and the wider areas, to misunderstand the ethos of that underlying the 1994 scheme when its authors had the wisdom and foresight to construct a homogenous whole as defined in the present plan. Indeed, to quote the council's own statement, <i>There is historic and architectural quality to the Conservation Area's buildings and spaces, which contribute to a sense of place.</i> I submit that this sense of place should not only be preserved but additionally be extended to incorporate Snakes' Wood.</p> <p>The area of agricultural land lying eastwards of the Hall shares a boundary with Little Tidcombe Farm. Those seeking the changes to the Conservation Area seemingly have overlooked the matter of Little Tidcombe Farm itself being of historic interest, evidenced by its Grade 2 listed status. It made sense to have the Hall land and that of the Barton farm included in the one Area; there is no advantage to be gained from dividing them.</p> <p>The Grand Western Canal possibly is Tiverton's principal tourist attraction - the horse-drawn barge now celebrating its fiftieth anniversary. The canal unquestionably is of particular importance to Tiverton residents for myriad reasons and is a feature unique in Mid Devonshire. The land in question, which borders the canal, is the first open space encountered for more than a mile when travelling eastwards along the canal or towpath and the views to the south towards Newtes Hill are a refreshing change from the blandness of the urban sprawl which confronts the eye to that point. I think it very important to retain this vista and maintain its</p>	<p>planning proposals for development in the vicinity of the canal. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>It is not proposed to extend the current adopted Conservation Area boundary to Tidcombe Farmhouse as this would necessitate large areas of agricultural land being included. These areas not being of special interest. Furthermore, the farmhouse pre-dates the canal and does not contribute to the understanding of the canal's significance. Tidcombe Farmhouse does, however, form part of the wider landscape and 'setting' of the canal. Applications with the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>

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<p>Page 16</p>	<p>inclusion in the Area which would allow its protection from future ravages such as the present assault on the Tidcombe Hall estate which, whilst repulsed for the time being, applications for housing development there will continue.</p> <p>Nevertheless, given that the resistance to development is not a function specific to a Conservation Area, the question of the Conservation Area revision should not be considered in isolation of this point. Removal of the section in question obviously would facilitate future building applications and clearly would be of advantage to LVA or any successor in their quest to develop the Tidcombe Hall holding.</p> <p>Notwithstanding the over 4,000 public objections already lodged in respect of this proposal, it is imperative that the present boundaries of the Conservation Area be maintained, if only for the reasons outlined as well as the many others submitted in rejection of this pernicious proposal.</p>	
<p>Individual</p>	<p>I have read the bulk of the Council's proposals for the Canal conservation area & management & overall I think it is a very comprehensive and well written & illustrated document & it does make interesting reading. However its main focus is on the protection of areas of historic & architectural interest & sadly in my opinion has very little regard for protection of the natural environment in the proposed boundary changes in what it refers to as "a robust strategy towards the Conservation Area".</p> <p>As a local resident to the Tiverton end of the canal I am very concerned at the proposal to remove the south side of the canal & Snakes Wood from its current conservation protected status without justifiable cause. This is such an important natural area for wildlife generally and particularly water dependent birds such as</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation areas is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of</p>

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<p>Page 162</p>	<p>kingfishers. It horrifies me to think that their natural habitat is likely to be lost forever if this aspect of the proposed plan is approved. I strongly object to this element of the proposal & I am sure many others will too.</p> <p>Removing this protection for nature will open the doors for developers pushing ahead with new building projects. Tiverton already has huge new build housing estates going up on so many previously greenfield sites & nature is rapidly being squeezed out as the years go by while the landowners and building companies rake in big profits. This cannot be allowed to happen to such a small but important area for our native species.</p> <p>The canal brings in many tourists and the horse drawn barge is one of the many reasons they visit the canal & come to the town. Visitors want to be able to enjoy a quiet and natural environment along the canal and this is a major consideration for the future if Tiverton values the income that the tourists bring.</p> <p>I was so pleased to learn that the Council refused permission for the umpteenth time from developers wanting to build houses adjacent to Tidcombe Hall & that Les Cruwys is hoping to remove this area as a contingency site in the future. This action clearly indicated that the Council is supportive of what local residents want and I hope that they will have a similar acceptance of the need to protect the south side of the canal from any development in the future.</p>	<p>Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Hello, I am emailing to express my concern about the plans to build an estate in the conservation area around the canal. Please do not give permission for this to happen. It would also mean that the horse drawn barge trips would be badly affected let alone the effect on the wildlife there.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and</p>

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	<p>Best regards</p>	<p>guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 163</p>	<p>Dear colleagues,</p> <p>Thank you for the thorough work involved in the new proposed Conservation Area Appraisal and Management Plan, the sensitive assessment of the historical and architectural features of the canal itself and buildings along it, as well as the comments on its setting and the importance of the views overlooking the rural landscape. Overall I wish to make 3 comments.</p> <ol style="list-style-type: none"> 1. I support the inclusion of the historic Canonsleigh limekilns, which are already Listed. 2. Advised by local residents, a major concern is whether reductions in the Conservation Area would facilitate development of an unsympathetic character close to the canal within its setting. Residents of Sampford Peverell did not mention to me reservations about any of the proposed exclusions of buildings within their village. However they did not wish any exclusions to have the effect of allowing substantial development of an urban character to take place near the canal. Hence there is nervousness about excluding the fields to the east of Tidcombe Hall. One person mentioned that these fields have a close historic connection with the canal, providing fodder and servicing the former horse-drawn barge transport in the days of the 	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>Amendments have been made on Page 25 of the document, which relate to the layout of the canal in this area and the nearby fields and Tidcombe Hall. The Council has been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and this contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore has sufficient special interest to justify its retention in the conservation area and this approach is consistent with the National Planning Policy Framework.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes</p>

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<p>Page 164</p>	<p>canal’s commercial operation, and the possibility that archaeological investigation might find artefacts related to the early life of the canal. I would therefore favour the continued inclusion of these fields within the Conservation area.</p> <p>3. I oppose the removal of the woodland to the east of Tidcombe Hall, the excision proposed because ‘it has little architectural or heritage value’. I would support the retention of this area.</p> <p>On the latter point, the canal passes through peaceful countryside, rich in bird life and with natural vegetation along its edges. The stretch which passes through this particular woodland is especially quiet and beautiful, and is a notable part of the setting of the canal, itself of heritage value.</p> <p>I have been fortunate to have been a guest on a trip put on for dignitaries by the horse-drawn canal boat company, a delightful experience which many visitors to the area enjoy. As is the usual practice, when the boat approached the woodland, the guide ceased his commentary and invited us to enjoy the tranquillity of the wood and the sound of birdsong. Several passengers on the canal trips have reported this episode as the high point of the trip.</p> <p>To preserve the canal as a Conservation Area without key elements of its setting would be to lose part of the value of that heritage. On the grounds that the Canal itself is of heritage value I would suggest that this element is also part of that value. The canal boat trip is a particularly attractive to tourists and nothing should be done to diminish this attractiveness.</p> <p>The granting of planning permission for building on the woodland area in the open countryside is unlikely, but as there are other possible reasons for the land use to change, additional protection</p>	<p>through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>

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	<p>is advisable. As an element of the heritage value of the canal itself I object to the removal of the wood, and I hope that in the outcome of this review the Conservation Area status of the woodland will be retained.</p> <p>We are very fortunate in Mid Devon to have a heritage asset of this quality and I hope that it will continue to delight visitors well into the future,</p> <p>Kind regards</p>	
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 165</p>	<p>I would like to comment on the draft Review paper, specifically the proposals to change the boundary of the first character area. These are the removal of the agricultural land to the east of Tidcombe Hall and the relatively small patch of woodland further to the east and south of the canal.</p> <p>I would argue that they contribute importantly to the setting of the canal and hence the boundary should not be moved. I understand that legally the appearance and character of a conservation area should be preserved or enhanced, not diminished, as in the current proposal.</p> <p>Much has changed in the past thirty years, but somethings do not change, such as the surrounding landscape, and this must be recognised.</p> <p>In the case of the Grand Western Canal the setting is extremely important, as is recognised in many sections of the paper. Much of the setting of the canal up to Tidcombe Bridge is highly urbanised and it is not until Tidcombe Hall that the rural setting of the canal is reached and the views and natural vegetation can be appreciated. This rural setting is established by this patch of</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p> <p>The repair and maintenance of Tidcombe Hall is not a matter that is within the scope and purpose of the Grand Western Canal Conservation Area Appraisal and Management Plan.</p>

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<p>Page 166</p>	<p>agricultural land and the small wood, known as Snakes Head Wood. To the passengers on the horsedrawn barges, it is a dramatic change from the urban aspect they have encountered from the canal basin so far. It is the start of the true story of the canal and can demonstrate why it was built nearly two hundred years ago. Also, the view of Tidcombe Hall itself is a welcome change from the fenced off housing hiding behind hedges that they have passed so far. This point is the first of the rural ‘key views’ that the draft review paper stresses so heavily.</p> <p>Additionally, if Tidcombe Hall itself could be repaired and maintained the conservation area would be enhanced.</p> <p>From this point canal visitors, and local inhabitants, can see the surrounding landscapes and how it makes an important contribution to the rural setting of the canal within the conservation area.</p>	
<p>Individual</p>	<p>Dear sirs, We the residents of..., would like to register our discontent at the proposed removal of the conservation status of the south side of the canal. This includes the beautiful snakes wood and habitat for a lot of wild life, we have enough homes in the area without spoiling the great western canal country park. We would almost certainly loose the horse drawn barge which brings a lot of tourism to the area. So please reconsider your plans for this incredible part of Tiverton. Yours in anticipation</p>	<p>Thank you for your comments.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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<p>Individual</p>	<p>Dear Sirs,</p> <p>I understand that the Council have proposed removing the Conservation Status applying to the South side of the G.W.Canal and Snakes Wood.</p> <p>This proposal should be rejected by the Council and the status quo maintained, the area is home to many wild life species, many of whom I have seen while out walking my dog. This Conservation Area offers ideal cover for the wildlife the result being due to the many mature trees that make up the woodland area, these trees have taken many years to grow to their current levels and should be preserved. With the national plan to plant 3 million trees this year to help absorb carbon as a preventive measure to help with 'climate change' reduction, it clearly makes no sense at all to potentially make it an easier decision to enable planned development to take place, the result being the loss of this mature woodland.</p> <p>The Grand Western Canal is a popular attraction for both the local population and tourists alike, it would lose its appeal if the 'countryside' was removed by development, people would not use the Horse Drawn Barge if all they had to look at was the back gardens of new homes, it is worth recording that this local attraction is one of the most popular attractions the Tiverton Area has to offer and must be preserved.</p> <p>Please do not make a bad decision, leave the 'Conservation Status' in place on the South Side of the Canal and Snakes Wood for it is best for our future generations.</p> <p>Kind regards,</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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Individual / Organisation	Comment	Action/Response
Individual	<p>"The Grand Western Canal is a vital part of our local heritage, and it's essential that we take careful steps to preserve its unique character for future generations. For this reason I am strongly in opposition to proposed changes to the boundaries of the conservation areas along the canal.</p> <p>I also oppose any planning applications to build on the Tidcombe Hall site.</p> <p>Yours faithfully</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual	<p>Dear Forward Planning,</p> <p>I would like to add my thoughts to your consultation on the Grand Western Canal conservation area.</p> <p>It seems that only historical or archaeological interest, or ties to the canal itself have any relevance. Surely that narrow remit is not going to protect the unique qualities of the canal.</p> <p>But my comments do align with the concept of the canal's setting and key views.</p> <p>I live near the canal, regularly walk and sometimes cycle the towpath, and am familiar with views and the setting year-round and in all weathers!</p> <p>Snakes Wood: There is a palpable feeling of magic when this section of the canal is reached, whether by foot, bicycle or boat. Of course it is deeply shaded and heavily wooded compared to other sections of the canal, and bursting with birdsong those times of</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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<p>Page 169</p>	<p>day and year when the birds are singing. One really notices the big increase in the variety of birdsong when entering this section. I once went on a bat walk from the canal basin. Although we saw and heard bats the length of the canal, they really increased in number in the Snakes Wood area – once again, a magical experience.</p> <p>The fields to the East of Tidcombe Hall: Once again, the word magical is the first that springs to mind. Looking up through these fields and high up onto the hill in the distance is something that lifts the heart. This is an experience that should be guaranteed to Tiverton residents and visitors. Not everyone has the time or mobility to walk very far along the towpath, and this is the first view of green open countryside when walking from the canal basin.</p> <p>In recent years there has been much emphasis on the importance of green views and beauty for good mental health. So these two views/settings absolutely must be protected. I fear if they are taken out of the conservation area, they will be prey to destructive development.</p> <p>Yours sincerely,</p>	<p>habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>The Devon County Council website describes The Grand Western Canal - Country park and local nature reserve as such:- <i>“The Grand Western Canal is an attractive stretch of isolated canal, winding its way through the soft rural landscape of Mid Devon, enticing an abundance of local wildlife. Although the canal is wholly man-made, its plant and animal communities are mostly natural, having colonised the site as it has matured and</i></p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p>

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<p>Page 170</p>	<p><i>suitable habitats have developed. In recognition was declared a Local Nature Reserve in 2005".</i></p> <p>And under visitor information, describes Warnicombe Bridge/Snakes Wood, as such:- <i>"Particular features in this section are the mature oak trees, and the short, wooded section (on both sides) of Snakes Wood itself. Most of this wood lies to the south of the canal, is privately owned and is a County Wildlife site. It has a secretive and enclosed feel which contrasts with the more open landscape at either end".</i></p> <p>We strongly object to any Mid Devon District Council plans that would remove conservation status of the above "County Wildlife site".</p> <p>MDDC, please let us not pay lip-service to protecting the wildlife and bio-diversity of Mid Devon for future generations, and in particular all stretches of, "The Grand Western canal - Country park and local nature reserve".!!</p>	<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>My comments are in relation to pages 12/13 of the above document.</p> <p>Pondground Cottage at present lies within the Conservation Area adjoining the Grand Western Canal, but is proposed to be removed having limited historic and architectural interest, according to your consultation document.</p> <p>The house had strong connections to the quarry and canal, being occupied by quarry employees dating back to the mid-1800s.</p>	<p>Thank you for your comments.</p> <p>This document has been amended in Section 4.2.4 Character Area Four (page 43) in the light of the comments provided about the occupancy of Pondground Cottage and the use of the land.</p>

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	<p>There is a tunnel which originally led directly into the quarry, passing under the lane. Its construction and materials used are similar in appearance to other bridges along the canal. Remains of small horseshoes have been found and there are other signs of industrial use in the area between the quarry and the canal, e.g. concrete slabs.</p> <p>All this demonstrates how Pondground Cottage and land are linked to the local industrial heritage of the canal and lime kilns. For this reason I believe it is worthy of remaining within the Conservation Area.</p>	
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 171</p>	<p>Hello</p> <p>I refer to:</p> <p>Grand Western Canal Conservation Area Conservation Area Appraisal and Management Plan</p> <p>Page 11 Para 2.4: Area of Tidcombe Hall and Woodland to East thereof</p> <p>MDDC accepts that the Grand Western Canal is of special historic interest, as well having examples of architectural interest. The alterations under consideration should be rejected applying the criteria indicated below as the changes to the spaces would have a strikingly significant impact on the cumulative impact and character of canal.</p> <ul style="list-style-type: none"> MDDC description of conservation areas, "... cumulative impact of groups of buildings and spaces ..." (emphasis added). 	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p>

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	<ul style="list-style-type: none"> Historic England, "...area of special architectural or historic interest, which deserves careful management to protect that character ..." (emphasis added). <p>Kind Regards</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 172</p>	<p>Dear Sir / Madam</p> <p>I understand that The Council is proposing that the south side of the Grand Western canal and Snakes Wood should no-longer have conservation status. I wish to voice my concerns about this proposal and in particular the impact it would have on the flora and fauna that currently exists here and the effect it would have on the horse drawn barge tourist attraction and subsequent impact on the local economy.</p> <p>Tiverton, in common with many towns in the area, is seeing a huge expansion of new housing developments and the local wildlife is being squeezed into ever decreasing areas. The south side of the canal is currently home to bats, water voles, badgers, waterfowl, kingfishers, herons, wild birds, deer and woodland species. Please don't threaten this habitat and please preserve this green and peaceful space for current and future generations of local people and visitors.</p> <p>Kind Regards</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Dear Planning Committee,</p> <p>It is with great frustration that I am finding it necessary for you to record my extreme disappointment and strong objection to proposals for reducing the Grand Western Canal Conservation</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural</p>

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Individual / Organisation	Comment	Action/Response
	<p>Area. It is inconceivable that any reduction should be considered in the first place when in the cold light of day the area should actually be increased to further protect the wonderful tract of countryside surrounding the canal!</p> <p>The conservation area should be further increased to incorporate the land in front of Little Tidcombe as possible remains of Romano – British occupation along with medieval streams and fishponds which have not yet been investigated are thoroughly protected!</p> <p>Sincerely,</p>	<p>interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council has investigated the archaeological potential of the land adjacent Tidcombe Hall by consulting the Historic Environment Record.</p> <p>The Devon County Archaeologist suggests from the study of LiDAR that the area has been used as pasture and wet wood management. These features do not contribute to the architectural or historic interest of the canal, or further contribute to our understanding of its significance.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 173</p>	<p>To Whom It May Concern</p> <p>Please record and consider my strong objection to any reduction in the Grand Western Canal Conservation Area.</p> <p>I am shocked as a local resident you would even consider this. Even today I have seen local businesses promoting this area to increase there business such as the Tiverton hotel and the barge. Are you genuinely trying to cripple them too??</p> <p>This beautiful area is vital for the local economy with regard to tourism and the visitors that come to enjoy the walks and the horse drawn barge trips, as it is one of the last of its kind in the country. It is essential that this generation and future generations may be allowed to enjoy and hence protect the many species of animals (badgers, bats, herons, kingfishers, water voles and many species of wild birds) that live in this area. If this area is built upon and the habitats of these creatures destroyed there will be nothing for people to come for or enjoy.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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	Yours sincerely	habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 174</p>	<p>Dear</p> <p>Your Ref: 24/00045/MOUT</p> <p>We write again to reinforce our objections to the application of 100 plus houses in the Tidcombe Hall area and now to bitterly object to changing the conservation status of the Grand Western Canal.</p> <p>In addition to the topographical and environmental objections already detailed to you, we wish to emphasise the importance of the Conservation status which is highly valued and maintained in other locations.</p> <p>We ask you to respect a quiet, peaceful and tranquil area of Tiverton which is greatly important to people and wildlife alike and should be preserved for future generations.</p> <p>The Canal Area, as it is now, brings revenue not only for the horse drawn barge but also by hotel services and town centre amenities.</p> <p>Do not allow this to be frittered away for developers who have no interest in the area and are only here for a fast profit then to move away leaving the town to retrieve what little can be rescued.</p> <p>Yours sincerely</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
Individual	<p>To Whom It May Concern</p> <p>Please record and consider my strong objection to any reduction in the Grand Western Canal Conservation Area.</p>	Thank you for your comments.

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Individual / Organisation	Comment	Action/Response
	<p>This beautiful area is vital for the local economy with regard to tourism and the visitors that come to enjoy the walks and the horse drawn barge trips, as it is one of the last of its kind in the country. It is essential that this generation and future generations may be allowed to enjoy and hence protect the many species of animals (badgers, bats, herons, kingfishers, water voles and many species of wild birds) that live in this area. If this area is built upon and the habitats of these creatures destroyed there will be nothing for people to come for or enjoy.</p> <p>Yours sincerely</p>	<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual Page 175</p>	<p>The reason coach loads of visitors come to Tiverton is the Grand Western canal with its unspoilt countryside and horse drawn barge. To remove Tidcombe Hall from bring a contingency site would put an end to this. . The south side must retain its conservation status. Councillor was not elected to help developers.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses.</p>
<p>Individual</p>	<p>Dear Councillors.</p> <p>Why on earth would you want to remove conservation status from areas that need it most?</p> <p>I was at the meeting on 23 July and heard no valid reasons why the conservation status on both the south side of the canal and Snakes Wood should be removed.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p>

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	<p>The UK has the unwelcome accolade of being the worst country in Europe for the decline of wildlife and their habitat, and here you are considering adding to that decline.</p> <p>By retaining the conservation status you will be helping to preserve a beautiful part of a national heritage site from appalling development applications like that of Tidcombe Hall.</p> <p>Please retain the conservation status.</p> <p>Regards,</p>	<p>The Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>
<p>Individual Page 176</p>	<p>Dear sirs</p> <p>Please take note of my objection to the Grand Western Canal conservation area development. The area is a precious commodity that we must protect at all costs! I feel it should even be made bigger so that our beautiful countryside will always be there for my grandchildren and their children to enjoy. Plus of course all the wildlife that calls the area home.</p> <p>There are many other areas that can be used for building new houses so leave this wonderful area alone.</p> <p>Thank you</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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Individual / Organisation	Comment	Action/Response
Individual	<p>Please record and note my strong objection to any reduction in the Grand Western Canal Conservation Area, on the following grounds. This area is extremely important with regards to both historical importance and green space. It would be a disaster for the GWC and Tiverton to lose this important resource. We should be conserving this type of areas not putting them under threat.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 177</p>	<p>Dear Planning Department,</p> <p>I am writing to express my strong objection to any reduction in the Grand Western Canal Conservation Area. I believe that, instead of reducing the area, it should be expanded to include the land in front of Little Tidcombe. This expansion would ensure the thorough protection of any possible remains of Romano-British occupation, as well as medieval streams and fishponds that have not yet been investigated.</p> <p>Thank you for considering my objection.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council has investigated the archaeological potential of the land adjacent Tidcombe Hall by consulting the Historic Environment Record.</p> <p>The Devon County Archaeologist suggests from the study of LiDAR that the area has been used as pasture and wet wood management. These features do not contribute to the architectural or historic interest of the canal, or further contribute to our understanding of its significance.</p>
Individual	<p>To Whom It May Concern,</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or</p>

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<p>Page 178</p>	<p>I am writing in response to the ongoing community campaign opposing any review of the conservation area around the Great Western Canal.</p> <p>I urge the committee to consider that there may be a silent majority in favour of development who are less likely to engage in the often bureaucratic process of public consultation. The canal area between Exeter Hill and Tidcombe Bridge has seen development without significant detriment, and there has been no active campaign to revert this area to an undeveloped conservation status.</p> <p>I am concerned that the proposed plans are not sufficiently visible in the forums where objections are most vocal, such as the Tiverton community Facebook pages. Many who see the minimal changes proposed might reconsider their stance. Unfortunately, alternative viewpoints on these forums are often met with bans and hostile responses from administrators, discouraging open and balanced discussion.</p> <p>In your decision-making, please consider the needs of current residents seeking more modern housing options and the future generations who are unable to participate in this debate. It is essential to balance the preservation of the conservation area with the evolving needs of the community.</p> <p>Sincerely,</p>	<p>historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>Good morning,</p> <p>Please record and note my strong objection to any reduction in the Grand Western Canal Conservation Area, on the following grounds. The area should in fact be increased, to incorporate the land in front of Little Tidcombe, so that any possible remains of Romano-</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or</p>

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	<p>British occupation, along with medieval streams and fishponds, which have not yet been investigated, are thoroughly protected.</p> <p>Kind Regards,</p>	<p>historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council has investigated the archaeological potential of the land adjacent Tidcombe Hall by consulting the Historic Environment Record.</p> <p>The Devon County Archaeologist suggests from the study of LiDAR that the area has been used as pasture and wet wood management. These features do not contribute to the architectural or historic interest of the canal, or further contribute to our understanding of its significance.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 179</p>	<p>I wish to have my comments added for consideration in the Grand Western Canal Conservation Area and Management Plan.</p> <p>Having attended the Consultation event regards the proposals for the Grand Western Canal Conservation Area and Management Plan I feel I must comment.</p> <p>The Tidcombe Hall development objectors have done a great job of promoting the Consultation (thankfully) but which had led me to believe the removed areas were contained in Tiverton.</p> <p>Now I understand that there are pockets of land for proposed for removal along the whole stretch of the canal!</p> <p>I trust that conservation status provides security to preserve the land, and as such that is what I believe is important.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 130</p>	<p>That it be preserved for future generations.</p> <p>These areas are necessary to protect the long-term integrity of the canal, whether that be in Tiverton or in the more rural areas along its entirety.</p> <p>I only have my opinion; I do not have evidence (I was told by the Officer this is what is needed for it to be considered) but I submit this in the hope that it will be recognised and logged appropriately.</p> <p>I object to the removal of any of the existing parts of the Conservation areas.</p> <p>With kind regards,</p>	
<p>Individual</p>	<p>I understand that the conservation status of Snakes Wood is under threat. At a time when there is concern about species decline, this seems to be a poor decision. The canal by the wood supports many species, including heron and probably otter to name but a few. If the wood is threatened at any time in the future, it would be a loss of a peaceful stretch on the canal easily reached from Tiverton. Please keep the Conservation status.</p>	<p>Thank you for your comments.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Hi</p>	<p>Thank you for your comments.</p>

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<p>Page 181</p>	<p>Please don't change the boundary and shrink it, if anything you should expand it so new building alongside the canal, that is not solely for the community/wildlife conservation is banned.</p> <p>No new housing estates, no housing developments, you have already the eastern urban extension, put facilities, housing, infrastructure there.</p> <p>Do not for the sake of extra council tax, ruin the green areas and wildlife around the canal.</p> <p>The canal is a jewel in the crown, for tourism and wildlife, nobody wants to canoe or use a trip boat past a building site in the " countryside "</p> <p>Think long term don't kill the wildlife, encourage wildflower planting along the canal as well.</p> <p>Hoping that you'll listen, but I expect to be disappointed and more concrete will cover the green areas and a few token trees will get planted somewhere instead.</p> <p>Go on surprise me.</p> <p>Best regards</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>The conservation area is a valuable asset for the town for amenity, for wildlife and for access. The environment for the conservation area is not replaceable it cannot be offset. The heritage asset should be retained and protected. The setting is as important as the heritage asset, the view in and out of the canal should not be eroded.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for</p>

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		<p>development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p> <p>All heritage assets have a setting and this is defined by the National Planning Policy Framework. Section 4.5 (pages 60 and 61) of the Grand Western Canal Conservation Area Appraisal and Management Plan explains the setting of the canal and this has been amended to explain elements of the setting which can contribute to the overall significance of a conservation area.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 182</p>	<p>We feel we should preserve all of the landscape to the canal woodland. To help keep the wildlife protected and with drainage from Warnicombe lane over land to the canal.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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Individual	<p>Tiverton’s reputation is going downhill, needed portas project to generate interest in the town- still full of empty shops. Antisocial behaviour problems, parks and public spaces not safe The one good thing to celebrate about Tiverton- The Canal!!</p> <p>How can you possible consider reducing the conservation area when it’s the only selling point of our town?!</p> <p>It’s beyond belief and I find the whole thing ludicrous. I am absolutely appalled that our council are reducing this area. I do not see any other reason for this other than to line the pockets of the development companies wanting to build on these areas. SHAME ON YOU!</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual Page 183	<p>I object to the proposed changes as it will have an adverse effect on the wildlife in the area, particularly in the Manley wooded part of the canal bank.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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		habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 184</p>	<p>Firstly, this meeting is being held as all working people are in fact AT WORK! This is not right all meetings in the past have been held on a Saturday so everybody can attend and to be told the council wants to “wrap it up” as there is a meeting tonight, shows no consideration for the people who reside in this area and are entitled to be able to see the display and talk to the officers.</p> <p>Secondly, Snakes Woods has been a conservation area since 1993 because a developer wanted to build 350 houses along the canal. Now are told that it should have been reviewed every 5 years but never has been, but hey ho suddenly an area of outstanding beauty needs to be reviewed now. If Mr from the Great Western Canal horse drawn barge company loses his business, I wonder if the council will be sued?</p>	<p>Thank you for your comments.</p> <p>The Council has fully met the requirements for public engagement with this exercise through the 8 week consultation period. This has included the publication of the document on the Council’s website and making printed copies available in the reception area of the Council’s offices and the public library at Phoenix House, Tiverton. The public consultation has involved two ‘drop -in’ events where members of the public have been able to find out more about the Grand Western Canal Conservation Area Appraisal and Management Plan, and discuss the proposals with the Council’s officers. The second public drop on 5th September was held between 5 pm and 7 pm specifically to provide an opportunity for people to attend during the evening.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is the duty of a local planning authority from time to time to review the conservation area and Historic England’s guidance advises this should be undertaken every five years, resources permitting.</p> <p>A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual	We wish to express our objection, in the strongest terms, to the proposed removal of the conservation status concerning Snakes Wood and the South side of Tiverton Canal.	Thank you for your comments.

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<p>Page 185</p>	<p>The thought of losing this wonderful area of natural beauty and the wildlife that it supports is abhorrent, not to mention the loss of revenue which the Horse Drawn Barge brings to Tiverton, and the pleasure of enjoying walks along the Canal with family and friends.</p> <p>We note that King Charles, Sir David Attenborough, Chris Packham and Alan Titchmarsh, to mention a few, tell us we must look after our trees and wildlife for future generations. How then can it even be a consideration that this conservation be removed as this will lead to its destruction. The sole intent of developers is to make money and not necessarily to enhance the area, often this is to the detriment of the countryside and local residents.</p> <p>We hope that the MDDC, whose interests we assume should be to protect woodland and wildlife area, will therefore deny any attempt to remove the conservation status. It must remain in place so that our future generations can enjoy this wonderful area of Tiverton.</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>We can't allow any further loss, of land or reserve from our wildlife and biodiversity without collapse.</p> <p>The councils could and should protect greenspaces, one option is to donate the land to a CIC, attached every possible protection to each plant, tree, and animal and put in a clause that means if the CIC failed in the future the land ownership moves to DWT or similar. The councils can still opt to fund upkeep just as with the parks in Tiverton where District has claimed ownership from the town and residents, but still require the town council and its residents to pay to maintain them, even now without toilets and facilities.</p>	<p>Thank you for your comments.</p> <p>The potential acquisition and ownership of land are not matters that are within the scope of the Grand Western Canal Conservation Area Appraisal and Management Plan.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses.</p>

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		<p>However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual Page 186</p>	<p>The reasons for removing areas from the existing conservation areas seem spurious. The tiny portion added looks like a sop to dampen opposition. In Map 7.6 particularly the area being removed looks like an invitation to developers to apply for PP in an area very poorly provided with adequate safe access.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>The canal is an asset to tourism. I have seen Barn Owls, Deer, Foxes and the resident heron in the area being removed on page 75. This is also the only area where my bird song app picks up 8 species at the same time. The changes as a whole show you no longer represent the people of Tiverton. Public accessible nature area are ever dwindling, it would be disgraceful to lose this one.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest.</p>

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		<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual Page 187</p>	<p>Removal of areas of conservation opens to the door to building along the canal destroying the natural habitat and views. In fact the conservation area needs to be wider for the full length of the canal.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid</p>

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		<p>Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 188</p>	<p>Dear Sir or Madam</p> <p>We wish to register our objections to the proposed removal of the conservation status to the south site of the canal including Snakes Wood.</p> <p>This would cause great loss of wildlife which includes deer, bats, water voles, badgers, wildfowl, kingfishers, herons, wild birds, mice and the woodland.</p> <p>The following are legally protected:</p> <ul style="list-style-type: none"> • All bat species are legally protected by domestic and international legislation. This means you may be committing a criminal offence if you disturb a bat in its roost. • Badgers are a protected species. In 1992 the Protection of Badgers Act made badgers a protected species. They are protected today under a dedicated piece of legislation. • Barn owls are a schedule one species and have legal protection. • Dormice are protected under schedule five of the Wildlife and Countryside Act 1981. <p>We moved down from London forty five years ago and consider ourselves very fortunate to live close to the canal and enjoy the amazing range of wildlife. In our opinion to remove the</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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	conservation status would be a serious error of judgment and request the conservation status remains.	
Individual	I totally oppose any buildings around Tidcombe Hall and the Grand Western Canal. I also oppose the removal of any woodland or destruction of wildlife habitat. Any building alongside our canal would spoil the countryside, would have an adverse effect on canal tourism. People pay to see our canal and its wildlife they do not pay to see concrete and brick.	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual	This conservation area absolutely must be retained in its entirety. Any reduction will send a green light to developers and in no time the whole south canal bank will be built up from Tidcombe to	Thank you for your comments.

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Individual / Organisation	Comment	Action/Response
	<p>Crownhill. The flooding risk to existing homes below the canal will be horrendous, given the increasing severity of winter storms due to the climate emergency.</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual Page 190</p>	<p>We came to Phoenix House today to see what was proposed re the canal. The canal is an area of historic and architectural interest. We talk it, cycle it and occasionally boat along it. We feel it must not be seen as a single entity and not parcelled up with some parts being protected and other parts not. The canal barge has just had its 50 years anniversary, people go on it to experience all of it, from its history, to its beautiful natural surroundings. The story of how the canal was brought back to life is inspirational and embedded in Tiverton’s history. The aesthetics and the peace is what brings the tourists here and adds to resident’s quality of life. We realise that this planning consultation doesn’t take into account the wildlife. I would be grateful if you would send us details of who in the council is and how we can contact them.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>No. Please leave things as they are.</p>	<p>Thank you for your comment.</p>

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Individual / Organisation	Comment	Action/Response
		<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is the duty of a local planning authority from time to time to review the conservation area and Historic England’s guidance advises this should be undertaken every five years, resources permitting.</p> <p>A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 191</p>	<p>2.4 Revisions to the Boundary Tiverton Basin Tidcombe Hall: Why is it the conservation area and agricultural land is being reduced at the same time as Tidcombe Hall owners looking to building 100 houses on this very land? How convenient for the planning application! I strongly object to the proposed reduction of existing boundary. If this does go through it opens the flood gates for development. The owner of Tidcombe hall must be laughing! “The Council has a robust strategy to protect and enhance the conservation area. The council proposes some changes to have a robust strategy for the conservation and management of the area” WHY? What difference does it make if not to allow more building on these removed areas!</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>A conservation area is surely just that. The Council’s duty must be to conserve it.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p>

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Individual	<p>I am deeply, deeply concerned about any area being removed from the GW Canal conservation area. Under No.3 of the FAQ for proposed changes “What do the changes mean in practice?” I do not have faith that “careful consideration will be given to the determination of planning applications...”</p> <p>MDDCs recent track record especially in the 3 Rivers development, the Bio digester debacle and other areas where developers have been allowed to renege on building facilities in new developments have left with with a deep mistrust that residents wishes are taken into account. In other words I have no faith that in 10 years’ time there will not be yet another development on the field next to Tidcombe Hall. Sorry, no faith that MDDC has our real interests at heart. Get back the 12 million (approx.) lost and I might reconsider.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual Page 192	<ol style="list-style-type: none"> 1. My feeling is that if the land at Little Tidcombe farm is taken out of the conservation area then the potential exists for the non-conservation area to creep into the Tidcombe Hall development. 2. As to lack of historical evidence that the land at Little Tidcombe Farm has historical links to Tidcombe Hall, I suggest the Planners contact the Bishop of Exeter as Tidcombe Hall was built as a residence for the Bishop of Exeter before the canal was constructed. 	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The history of the land adjacent to Tidcombe Hall has been investigated further. Amendments have been made on Page 25 of the document, which relate to the layout of the canal in this area and the nearby fields and Tidcombe Hall.</p>
Individual	<p>There are so few beautiful places left. Taking conservation areas from the canal and building on them should not be done. The canal</p>	<p>Thank you for your comments.</p>

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Individual / Organisation	Comment	Action/Response
	<p>is an asset to Tiverton. More new building alongside the canal is a no no!!!</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 193</p>	<p>Regarding the land adjacent to Tidcombe Hall which is now under review for removal as a conservation area.</p> <p>It is suspicious and highly coincidental it is adjacent to the land proposed to be built on at Tidcombe Hall. I suspect the forthcoming planning application for TH are linked. It is odd to say the least that no record can be found as to why the area at TH was designated as a conservation area in the first place. In the absence of a record I strongly suspect it was to ensure that there could be no chance to build on the red hatched land thus expanding to housing south. I fear the removal of the conservation area risks the TH development being expanded further in the future. The original decision for the conservation area should be respected and adhered to.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>Why was it declared a conservation area? We should be increasing the conservation area not decreasing it. The area concerned is not suitable for any other used. It would be better to use up to date maps and larger print so that we can read it.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p>

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		<p>The Council has sourced and used the latest maps that are available for the purpose of preparing the document.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 194</p>	<p>An excellent well-written report which includes many recommendations I agree with.</p> <p>However, I regret the suggested removal of the area of farmland between the Grand Western Canal and Little Tidcombe Farmhouse in the Conservation Area. Frankly speaking there is no evidence of a link between this building and the canal but I would like to see the conservation area extended to include both Little Tidcombe Hall and Little Tidcombe Farm, the former unlisted and the latter Grade 2.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of area that lack special interest.</p> <p>It is not proposed to extend the current adopted Conservation Area boundary to Tidcombe Farmhouse as this would necessitate large areas of agricultural land being included. These areas not being of special interest. Furthermore, the farmhouse pre-dates the canal and does not contribute to the understanding of the canal's significance. Tidcombe Farmhouse does, however, form part of the wider landscape and 'setting' of the canal. Applications with the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p>
<p>Individual</p>	<p>If the areas being put forward for removal from the conservation area were good enough to be included before I do not understand what has changed. The canal and the surrounding area is a public amenity- what will the public gain with these changes? It aint broke-please don't fix it.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is the duty of a local planning authority from time to time to review the conservation area and Historic England's guidance advises this should be undertaken every five years, resources permitting.</p> <p>Section 2.2 of the Grand Western Canal Conservation Area Appraisal and Management Plan explains the reasons why the review of the conservation area designation is necessary.</p>

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<p>Page 195</p>	<p>I am horrified that such a naturally beautiful section boarding the GWC is to be removed. The woodland concerns provided endless vital habitats for the countless species of wildlife and fauna- some of which is endangered. This total disregard for the value of the area for nature, tourism, health and well-being of those many many people that use the country park for the leisure and recreation is astonishing and short-sighted, Conservation is not just about architecture and historic interest, it is about protecting all that is naturally there and not necessarily man-made. Please don't do this!</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>I am totally against taking any action to reduce the conservation area around the canal. I feel this will lead to the development of more houses and the only people to gain will be the developers. Taking any more nature well be bad for the wildfire, tourism and Tiverton, as a Tivertonian I want the town to prosper and building more homes that people can't afford is not going to help. I hope MDDC listens to the voice of the people FOR A CHANGE and leaves the canal and its wildlife alone!</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p>

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		<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 196</p>	<p>It seems a done deal yet again. Why build yet more houses when we still haven't got enough infrastructure to deal with that we have currently. Still no other primary school on Blundell's road area or no doctors there, Tiverton simply cannot cope as it is . Still no new secondary school to cope with the influx of these houses, Who is buying them? Why would you move to an area with no NHS dentists, no appointments to see Doctors, not enough schools!</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>I do not feel well served by MDDC or DCC. The attitude of the councils towards the people is paternalistic "we know best". I do not trust you. To change the status of the canal and surrounding areas. This refers to all of the areas is trickery. You are trying to steal the heritage and soul of Tiverton. This beauty spit is being destroyed. The development of the banks of the Exe in Tiverton is a disgraceful failure. You are all a disgrace. I protect against all of the proposed changes/plans/consultations links to the canal and its surrounding areas. We would be better off without local authorities or district authorities.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>Dear Sir or Madam,</p>	<p>Thank you for your comments.</p>

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<p>Page 197</p>	<p>Please accept by objection to the council changing the conservation status of the above area. We have a beautiful place there, this is important to me as I go up to see the canal every day. It is a therapeutic place for me, peaceful, interesting and free. I think that many humans, animal and insects use this place 24/7. I don't agree that the council have the right to change this conservation status. The council are servant of the people. Do not spoil people's special place. We are still waiting to hear what is to become of the piece of land next to the Exe where the Council built hideous white elephant flats and have shown huge incompetence.</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>It is not exactly clear why these two fields are being considered for being removed from the conservation area of the canal. The timing of this proposed change cannot be considered anything other than note a coincidence with the proposed development of Tidcombe Hall. If protection of the conservation area is removed what is to stop Tidcombe Hall spreading further along the canal. This seems expansion by the backdoor, lets remove the restrictions and then</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning</p>

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	<p>we can build as many houses as we want- regardless of the wishes of the local community.</p>	<p>authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Section 2.4 (page 11) of the Grand Western Canal Conservation Area Appraisal and Management Plan sets out the reasons for amending parts of the conservation area boundary.</p>
<p>Individual Page 198</p>	<p>Thank you for giving us the opportunity to comment on this updating of the conservation area plan. My concern was with regard to the shrinking of the wider landscape covered and I understand that you may not be able to prove the historical and architectural interest of the canal sufficiently to preserve these sections. However, the preservation of historic institutions like the horse drawn barge and the public interest and enjoyment of this country park area could be put at risk by this change. The importance of the biodiversity and nature corridor the canal creates is vital to the setting which the canal sits. Just past Tidcombe Hall is where the canal opens up and a wider range of birds are found. The woodland leading down to the water is a vital resource. I was concerned that the only enhancement mentioned referred to painting railings or parts of existing buildings, surely enriching the biodiversity enhances the setting.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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Individual	<p>Part of the criteria of a conservation area is “the character, appearance and setting of which is desirable to preserve or enhance”. This encompasses our canal.</p> <p>We have at present a conservation rea to the East of Tidcombe Hall. Now you want to change its status, Nothing has changes since the area became a conservation area – so why change it. It is said that it ‘should’ be assessed not must. Leave it as it is. I wonder if the pressure of the proposed building at Tidcombe Hall and surrounds have influences MDDC. In fact after talking with so many people it’s obvious! Listen to the electorate. Leave things as they are.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual	<p>Public concerns over the changes to the canal conservation area and to the proposal to build 1000 or so homes at Tidcombe which has focusses on wildlife, traffic and so forth. I would like to emphasize the importance of Tidcombe Hall and its surroundings. The four trenches by AC Archaeology after the first planning application revealed the size and importance of the settlement and by the documentary evidence (outlined in the TAG comments on the original planning application) make out that medieval and early medieval archaeology is still be to found in the fields between Tidcombe and Little Tidcombe Farm. Before any re-designation takes place, thorough investigation of the archaeology should be undertaken.</p> <p>Incidentally, the medieval Chapel at Tidcombe was not, so far as we know, dedicated to St Laurence. This is a mistake on the OS map!</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The information provided about the archaeology of the area is noted. However this relates to the medieval period and predates the canal’s construction and use. It is a separate issue to the Grand Western Canal and its significance as a nineteenth century feature.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 200</p>	<p>Most of the proposals seem very sensible and look to be needed. However, the proposal to remove the area to Tidcombe Hall I do not agree with. The whole area is tranquil and there is a great deal of natural woodland that would be lost. This seems to be going against the aims of the canal conservation area and should be scrapped.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Help the animals in the area near to the canal and not have more houses built.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 201</p>		<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
	<p>Individual</p>	<p>I feel the Tidcombe Hall site is totally unacceptable being so close to the GW Canal conservation area and access is so limited.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 202</p>	<p>The purpose of this letter is to express our concern regarding the councils proposal to reduce the conservation status at the canal bank and the south side, this proposal will affect the area including Snakes Wood.</p> <p>The canal is a haven for walkers, joggers, cyclists, angler and passengers on the barge trips. A huge variety of wildlife can be often spotted in the vicinity of Snakes Wood. This includes foxes, deer, swans, ducks, moor hens, herons and king fishers. We live within 200yrd of the canal and have done so for 51 years. Our uses have included waling our own children, grandchildren and our dog. I fish on the canal and other anglers can be seen fishing in the Snakes Wood area. The canal and the beautiful area it travels through is truly a great asset for Tiverton and is a real benefit for everyone to make use of. Please be mindful of the damage this proposal would cause. I would imagine there would be a loss of income to the barge owners and local tea rooms etc. The area cannot cater for more housing as the road system is presently inadequate. Please do the right thing and drop this proposal.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>I am concerned with the proposed exclusion or reduction of the areas of agricultural land at Tiverton Basin, Halberton, Ayshford and the woodland at Lowdwells & Burlescombe. Although other protections may be in place, I worry that their removal would make them more vulnerable to loss through development and this will have an impact on the quality of this historic and important local asset. Since they were included in the current plan, it seems logical to infer they were done so for a reason. I would therefore urge the council to maintain the current protection.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p>

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		<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 203</p>	<p>Canal is becoming bad as it is with that more housing around the area having a major impact on wildlife etc the old Devon crest site needs to be developed before anywhere else and more conservation areas needed and should be expanded not taken away.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Please register my strong objection to this proposal. The whole area is one of outstanding beauty with trees, wildlife including</p>	<p>Thank you for your comments.</p>

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<p>Page 204</p>	<p>deer and prolific bird song. There are only two horse drawn barges in the country one of which is in Tiverton – probably our sole tourist attraction bringing in coach loads of visitors. With no countryside to see Mr business will be critically affected, visitor numbers will decline with a consequent effect on local revenue. Surely we need more conservation areas not desecration of ones still in existence.</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Having looked at the information and listened to the arguments, this makes even less sense to take the conservations status away from this beautiful and environmentally important part of Tiverton. I am simply going to have to trust you, our council to ensure that you maintain the conservation status to protect the canal area and now bow to pressure from developers or those looking to make financial gain from our canal. It’s the 21st century we have to learn to protect our environment before it’s too late.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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		<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual Page 205</p>	<p>We need to be keeping more of our conservations areas and in fact looking to improve them. It is concerning that in management proposals that you mention redevelopments which would lead it to being developed in the future. We don’t know how future council will want to preserve or conserve our natural environment and it will be too late once it have been taken out of the conservation area. It needs to be preserved as a wildlife corridor that attracts bats and other protected species.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>Section 6.2. of the Grand Western Canal Conservation Area Appraisal and Management Plan includes guidance for planning proposals for development in the conservation area and its setting.</p>
<p>Individual</p>	<p>People are suspicious of this because they fear it will be easier for developers to move in. I understand that his consultation is a statutory event to examine the criteria for justifying conservation status. I’ve been told that these two fields have no features which justify conservation status. Two things, can the landowner be</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or</p>

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<p>Page 20</p>	<p>persuaded to enhance the land and if we lose the conservation status can we be sure that future development will be turned down by the MDDC planning dept?</p>	<p>historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The history of the land adjacent to Tidcombe Hall has been investigated further. Amendments have been made on Page 25 of the document, which relate to the layout of the canal in this area and the nearby fields and Tidcombe Hall. The Council has been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and this contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore has sufficient special interest to justify its retention in the conservation area and this approach is consistent with the National Planning Policy Framework.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>Please leave info boards in lobby for duration of consultation, couldn't get near them today and they would be useful even without explainers.</p>	<p>Thank you for your comment.</p> <p>The public consultation has involved two 'drop -in' events where members of the public have been able to find out more about the Grand Western Canal Conservation Area Appraisal and Management Plan, and discuss the proposals with the Council's officers. The second public drop on 5th September was held between 5 pm and 7 pm specifically to provide an opportunity for people to attend during the evening. The information boards were removed from the Council's reception area following the close of the second public drop in event but information about the consultation, including the Grand Western Canal Conservation Area Appraisal and Management Plan, a technical note and frequently asked questions has remained published and available for inspection on the Council's website.</p>
<p>Individual</p>	<p>I am concerned about the change in conservation status especially regarding the land adjacent to Tidcombe Hall. This area is not really suited to more development due to access issues and the</p>	<p>Thank you for your comments.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 207</p>	<p>water being so close. I am worried that by agreeing this area is not historically important to the canal we will be sowing the weed that is it to be developed. Please could someone find out why this was originally in the conservation area 30 years ago as this seems to be the reason why we are reviewing it now? It appears not clear but surely adjoining land that is in the conservation area should be enough to warrant it as historically important?</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>It is the duty of a local planning authority from time to time to review the conservation area and Historic England’s guidance advises this should be undertaken every five years, resources permitting.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
	<p>I am writing to you today to register our string objection to the proposal that the conservation status should be lifted for the south bank and Snakes Wood. This area is totally unspoilt countryside, which is so easily accessible by Tiverton residents due to the two path alongside the whole length of the canal. It is very special to our daily lives as we’re able to enjoy the flora and fauna and wild life all year long. Please never allow this unique part of our countryside to be used for building houses on it, it would be a complete tragedy for Tiverton. Please let our small area of English countryside, which has so much precious beauty and tranquillity remain as so- for ourselves and future residents.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and</p>

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		<p>Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 208</p>	<p>This is so incredibly sad. To watch “progress” destroying the most beautiful part of Tiverton purely to line the pockets of the few. We live in Devon, not the north. We need this area to be set aside to protect our wildlife, our birds, animals, plants, trees and architecture. We do not need more buildings and tarmac. Use the factory site for new housing, keep Tiverton as it should be.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9</p>

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		<p>Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 209</p>	<p>We are truly horrified to hear that the south side to the Great Western Canal including Snakes Wood may no longer have conservation status and could potentially become a housing development. We very recently move to the area near the canal especially because it was a conservation area, to enjoy the beautiful walks and amazing scenery and to watch the many wildfowls, kingfishers, herons, ducks, swan, etc. If this is allowed to happen and this beautiful area is littered with new houses it would be an absolute tragedy for the residents of the area and the tourists who enjoy the scenery and wonderful sight of the horse drawn barges slowly making its way along the canal. We can only hope that Mid Devon District Council does not let this happen and the Great Western Canal stays intact as a conservation area for future generations to enjoy.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>I am concerned that this plan does not adequately reflect the overall importance of the area for people in Tiverton. Removing</p>	<p>Thank you for your comments.</p>

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<p>Page 210</p>	<p>some sites from the conservation area will impact aesthetically, ecological and reduced the continuity of the area. Some buildings should indeed be listed and preserved, It seems to one that the public consultation on this is inadequate late in the date and restricted. Today in the foyer only a handful of documents were available. We had to queue for some time to view the display. It feels rushed and that this is preparation for yet more house building without proper infrastructure. I worry that this is not really in the interest of the town.</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>The proposals are totally unacceptable! The word conservation means to conserve not to destroy and remove. As a frequent user of the canal it would be disastrous to reduce the conservation area and potentially allow development. This would have a dramatic impact on the wildlife and environment. I have touched on the economic impact to the canal as a whole and the local business that has just celebrated 50 years trading. Sorry, you do not have my approval and I do not support your proposals.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p>

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<p>Page 21</p>		<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>This should not be allowed and does not represent the wishes of the public and lack of historical importance does not mean that nature and woodland should not be removed. It is irresponsible and damaging in a time when you position yourselves as eco-friendly, Management of this place should consider more than what is convenient for housing plans. The canal as it is an integral part of the Tiverton community and source of benefit due to the natural value.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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<p>Page 212</p>		<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>Section 2.4 (page 11) of the Grand Western Canal Conservation Area Appraisal and Management Plan sets out the reasons for amending parts of the conservation area boundary.</p>
<p>Individual</p>	<p>We would like to register our objection and concerns regarding the proposed conservation status removal from the south side of the canal also including Snakes Wood. It’s a lovely part of the canal and should be preserved for future generations, otherwise we could very soon find a property developer (Tidcombe Hall) submitting a planning application to build on the site. And then what future for the horse drawn barge company. Please reconsider your plans and keep the whole area as a conservation protected site.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>There is potential for Snakes Wood to be made a Tree Preservation Order (TPO). However, this is currently unlikely and will require investigation. There will remain the</p>

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		<p>opportunity for the Council to assess whether any of the existing trees, or groups of trees at Snakes Wood merit the making of a Tree Preservation Order (TPO) in the interests of amenity.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 213</p>	<p>I think you have failed to recognise the significance of this canal in terms of the habitats it provides and the benefits it has to the animals and eco systems it supports. Removing this land because it is without historic interest is a mistake and does not properly consider the situation the climate is currently in. Removing more land from the conservation area will also have a negative impact on the canal experience.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>1. I fully support the response to this consultation that has been submitted by Mr... My own comments below develop two points that he has made. 2. Mr identifies (in his paragraph 37) some of the permitted development rights that would apply to his property should the re-drawing of boundaries proceed as proposed in</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning</p>

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<p>Page 214</p>	<p>Section 2.4 of the CAAMP consultation document.</p> <p>2.1. The CAAMP has failed to acknowledge and take into account a significant change in legislation that impinges on its proposals: this is The Town and Country Planning (General Permitted Development) (England) Order 2015 or GPDO 2015 for short.</p> <p>2.2. These permitted development rights must be given explicit mention in the CAAMP, especially in the light of paragraph 75 of the Historic England Advice Note 1 (Second Edition), which says: "<i>Before finalising the boundary, it is worth considering whether the immediate setting also requires the additional controls that result from designation, or whether the setting is sufficiently protected by national policy or the policies in the Local Plan</i>".</p> <p>2.3. Mr has given a clear and helpful exposition of harms that could ensue should boundaries be changed as proposed at his own property but the similar or worse harms could well arise at several properties where similar boundary changes are proposed. In each case, the property appears to have land to its rear or side that is bounded by, or almost adjacent to, the waters or towpath of the canal. In other words, they all qualify as <i>the immediate setting</i> referred to in Paragraph 75. (See pages 77, 78, 80 (right hand map) and page 81).</p> <p>2.4. The CAAMP argues in section 2.4 that 16 Turnpike and other properties lack historic or architectural merit in their own right. But this is of secondary importance. The crucial point is to ensure that the merits of the canal itself are preserved, especially in a time when permitted development rights have been extended. To achieve this, it may be necessary to draw (or retain) the boundary of the conservation area around land within the immediate setting whose otherwise legitimate development would be detrimental to the canal. This is probably why these plots were included in 1994. Since then, changes in legislation have made it</p>	<p>authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>Regarding Permitted Development rights, the Council would assess on a case-by-case basis whether planning permission is required. The Grand Western Canal Conservation Area is without an Article 4 direction therefore certain Permitted Development rights are not restricted.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>All heritage assets have a setting and this is defined by the National Planning Policy Framework. Section 4.5 (pages 60 and 61) of the Grand Western Canal Conservation Area Appraisal and Management Plan explains the setting of the canal and this has been amended to explain elements of the setting which can contribute to the overall significance of a conservation area. This section also includes elements which may have had a negative contribution. Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p> <p>The development known as "SP2" is a site allocation in the adopted Mid Devon Local Plan. This site allocation and its potential impact on the setting of the Grand Western Canal conservation area was subject to testing through the independent examination of the Local Plan by the Planning Inspectorate. The site allocation has been granted planning permission and is currently being implemented. The site allocation is outside the designated conservation area boundary.</p>

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<p>Page 215</p>	<p>even easier for these plots to be developed if left` out of the conservation area - but the CAAMP is blind to this.</p> <p>2.5. The CAAMP fails to consider the potential impact of permitted development on land that it proposes to remove from the conservation area – land that must be considered to be <i>‘immediate setting’</i> in the light of Historic England paragraph 75 quoted above. If the CAAMP offers no convincing explanation as to how the LPA will use national or Local Plan policies to prevent schemes such as those that Mr Drew has used by way of illustration in his paragraph 37, all the areas concerned should be retained within the conservation area.</p> <p>3. Section 4.5 of the CAAMP says: <i>“Where urban development has expanded into the countryside, this has a detrimental effect. There are ... areas where the setting has been urbanised including the significant change to Sampford Peverell in recent decades, with extensive and prominent residential development. Much of the rural character of the setting of the Conservation Area has been lost here. There is little architectural quality to much of the development which can be prominently viewed from within the Conservation Area”.</i></p> <p>3.1. The CAAMP fails to identify these harmful developments in countryside at Sampford Peverell. Its argument for excluding 16 Turnpike cannot be accepted unless it clearly identifies which developments have harmed the rural character of the canal conservation area at Sampford Peverell.</p> <p>3.2. In his paragraph 28, Mr rightly reminds the Local Planning Authority of statements made by its officers concerning the Sustainability Assessment for the Local Plan Review by which Policy SP2 was allocated.</p> <p>3.3. Objectors to the SP2 allocation argued that, by failing to make any mention in the its sustainability appraisal of this allocation’s impact on the canal conservation area, officers had failed in their duty to assess potential harm to that designated asset.</p>	

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<p>Page 216</p>	<p>3.4. In response, the LPA insisted to the Inspector at preliminary hearings in September 2018 that it had no duty to include any written assessment of potential harm where it deemed any such harm to be insignificant. It offered a written submission that can be seen at www.middevon.gov.uk/media/352249/ed06-mddc-responseto-ed05.pdf .</p> <p>Within that statement it said that ... <i>'If an effect isn't covered in the SEA then the inference is that the authority does not think that there is a material effect (as with the Grand Western Canal Conservation Area)'</i>.</p> <p>3.5. In October 2018, the Inspector's interim findings gave his view of the matter by saying ... <i>'I am content that the Council's conclusion that development of the site proposed for allocation [ie SP2] could take place with very little or no harmful impact on the setting or the significance of the Grand Western Canal Conservation Area is not an unreasonable one'</i>.</p> <p>3.6. When the main hearings were held in February 2019, I referred to the Inspector's finding quoted above and asked (through the Inspector) whether the LPA was saying that the allocation at SP2 would cause <i>'little'</i> harm or <i>'no harm'</i>, knowing that any harm to heritage assets has implications for later planning applications. The LPA's 'Forward Planning Team Leader' answered by saying that the LPA believed that the allocation would cause <i>'no harm'</i> to the Grand Western Canal Conserva5on Area.</p> <p>3.7. Despite this, the same LPA now seeks to remove that part of the canal conservation area that is closest to the SP2 allocation on the basis that urban development has expanded into the countryside around Sampford Peverell and that the detrimental change is <i>'significant'</i>. Without offering any supporting evidence, the CAAMP contradicts the judgement of its own officers in the Local Plan Review and the formal conclusions reached by the</p>	

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	<p>Inspector under intensive investigation and debate. This is unacceptable.</p> <p>3.8. The CAAMP must drop its proposal to remove the land around 16 Turnpike from the conservation area as the LPA has provided written evidence to one of His Majesty’s Inspectors that completely undermines the CAAMP’s justification for that boundary change. If it does not drop the proposal, the LPA has demonstrated that, in matters of heritage protection, it is inconsistent, unreliable and ineffective.</p> <p>12/9/2024</p>	
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 217</p>	<p>Dear Sirs Grand Western Canal Conservation Area</p> <p>Land to the east of Tidcombe Hall and adjacent to the canal. I believe that the two field should be included as part of the Conservation Area. Any building on this area will seriously impact on the open view to the south of the canal and of Tidcombe Hall when approaching from the East.</p> <p>Land to the east of Glebelands. believe should be included as it has a predominance of wildflowers during the summer making it a feature of the Canal especially for those walking the Canal. Although not directly related to the Canal, consideration should be given to incorporating it into the Conservation Area to strengthen the buffering of Glebelands from further development adjacent to the northern side of the Canal.</p> <p>Snakes Wood: Although the springs within the land and the streams from the south that cross south to north existed prior to the creation of the Canal, the wetland that currently exists to the south of the Canal and encompassing most of the wood, came about because of the obstruction caused by the canal. The unique nature of this directly related to the Canal — which should justify keeping both of those as part of the conservation area.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest. While the land to the east of Glebelands and Snakes Wood are noted these lack special interest for inclusion in the conservation area designation.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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	<p>The wood is also a considerable wildlife resource. Many types of bird are to be seen, owls have been seen to fly through and bats have been seen at dusk. Deer use it as cover and it would likely provide cover for other species such as foxes. Squirrels are always seen crossing through the trees in search of food. I firmly believe that the three areas above should be brought into the conservation area for the benefit for us humans and the wild life. Yours faithfully</p>	<p>habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 218</p>	<p>I write regarding your review of the Grand Western Canal’s conservation status. I am very much against any proposal to remove this status from some areas of the boundary such as the south bank and Snakes Wood.</p> <p>I fervently agree with your assessment that “the rural setting of the canal makes a highly beneficial contribution to the Conservation Area’s special interest and allows for its historic significance to be appreciated.” Let’s not risk this by downgrading the south side near Tidcombe Hall and the woodland area. The report is correct in saying that rural views surrounding Tidcombe Hall’s agricultural land and rural landscapes “contribute to our appreciation of its special interest.”</p> <p>The canal barge passes along this route and people flock to this for the unique and special experience of seeing the beautiful countryside and soaking in the magic and stillness of Snakes Wood. Being the only horse drawn barge in the South West and one of only four in the country, this attracts a lot of visitors to Tiverton. People generally visit the coast when they come to Devon but the barge trips draw in tourism when otherwise Tiverton would not. I don’t know if any of you have experienced the horse drawn barge but when nearing and passing Snakes Wood the commentary ceases so all can be silent to experience the stillness and sounds as one would have heard 200 years ago – the clip clop of the horses hooves; the sound of the water and wildlife. This is a magical moment and needs to be preserved. One feels one has travelled</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest. Snakes Wood does not form part of the canal’s special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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<p>Page 219</p>	<p>back in time to witness a simpler time. This is also important for locals’ wellbeing as well as visitors, in our modern times of stress and busyness to take time out to enjoy these delights. The benefits of blue space have been widely documented, being near water and wildlife. Removing the conservation status could threaten these benefits, when developers return to try and decimate our landscape.</p> <p>You say that these areas lack special architectural or historic interest; I do not agree. The report includes mention of the historic interest of the original aqueduct, the bridges with their historical English bond and high quality historic joinery of the timber windows on historic buildings. In addition to the trees and hedgerows, open fields and rural views, are all vital to retain; in your words a country park teeming with nature and tranquillity.</p> <p>As your report points out, Mid Devon contains the only surviving section of the canal. I urge you against reducing and adjusting the proposed areas which you describe as attractive but of little historic interest – this judgement is flawed, you must commit to preserving this part of the canal. The thousands of visitors each year cannot be wrong.</p> <p>Thank you for reading.</p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p>Individual</p>	<p>The following is a statement to counter some of the proposals as follows: -</p> <p>The report identifies specific areas of concern in bold. Maps have been copied from the published document.</p> <p>Tidcombe Hall and land to the East of Tidcombe Hall</p> <p>Historical data reveals that prior to the construction of the Canal, Lower Tidcombe Farm was owned by Tidcombe Hall. When the canal was proposed, it was initially refused permission to cross the land owned by Tidcombe Hall, but subsequently the resulting</p>	<p>Thank you for your comments.</p> <p>The history of the land adjacent to Tidcombe Hall has been investigated further. Amendments have been made on Page 25 of the document, which relate to the layout of the canal in this area and the nearby fields and Tidcombe Hall. The Council has been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and this contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore has sufficient special interest to justify its retention in the</p>

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<p>Page 220</p>	<p>'bulge' was incorporated to mitigate the impact and also resulted in the building of Tidcombe Bridge. The 2 fields being in joint ownership became part of the Canal due to the canal reducing their practical size. Because of the historical tie to Tidcombe Hall and the later construction of the Canal, Lower Tidcombe Farm and the land around it should be included as part of the Conservation Area as it gave the shape of the canal, otherwise it would have run in a straight line to the South of Tidcombe Hall.</p> <p>There is also a question regarding the archaeology, as the 2 fields have never been investigated to see if they were of interest. To date we do not know where the chapel was or where the nuns lived or whether there was an extension to that. It was an historical property and had sufficient historical significance. The Hall was served by a medieval water course that came down from higher ground resulting in a damp patch in one of the fields that was very waterlogged. This may have been a medieval fishpond serving the Hall such that the remnants of the fishpond could still remain. The medieval water course still runs through the land to the south of the Hall.</p> <p>The proposal to remove the 2 blocks of land to the south of the Canal and east of Tidcombe Hall does not appear to take into account that the second block of land contains a syphon that was installed when the Canal was constructed. This was necessary to drain under the Canal water that issued from beyond Warnicombe Lane (an old reservoir is located in the higher field that used to service the properties along Tidcombe Lane as well as Lower Tidcombe Farm). This runs down to the east of Lower Tidcombe Farm ultimately discharging under the Canal via a syphon. This syphon discharges into a stream that runs behind Rippon Close (eastern end of Glebelands) discharging into the stream by the bridge on the old railway line at the end of Glebelands (eastern</p>	<p>conservation area and this approach is consistent with the National Planning Policy Framework.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest. While the land to the east of Glebelands and Snakes Wood are noted these lack special interest for inclusion in the conservation area designation.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>It is agreed that general maintenance is important for the area and this is included within Section 5.7. (page 64) of the document.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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<p>Page 221</p>	<p>end). This water eventually finds its way into the Ailsa Brook that runs through the SSSI. Water is also collected from the first block of land during heavy rainfall via a ditch that takes it to this syphon.</p> <p>The removal of these 2 parcels of land from the Conservation area is to be resisted. Not just because of the historic drainage constructions (syphons) constructed at the time of the Canal but, as the land to the south of the canal and above Tidcombe Hall is currently identified as a 'Contingency Site', the 2 planning applications made (currently 1 has been and another due to be rejected) plan to use the identified land for attenuation ponds. Analysis of the fields and the areas further south (by the applicants) has identified that they have high water tables that will make 'in the ground' attenuation ponds impractical. As stated previously, the wet nature of the ground may well have been 'fishponds' related to the Hall. To have any chance of retaining storm water, the attenuation ponds will need to be raised impacting on the natural view of the Canal.</p> <p>A further issue if they are no longer designated as part of the Conservation Area is that there could be a proposal to build on them. This will seriously impact on the open view to the south of the canal and of Tidcombe Hall when approaching from the East. Two Landscape & Visual Impact Statements have been prepared in relation to the recent Planning Applications to develop the land to east and south of Tidcombe Hall. The first for an application that encompassed the whole of Lower Tidcombe Farm - 20/01174/MOUT/Review/of/Landscape/and/Visual/Impact/Assessment-1733907 and the 2nd that encompassed the land South & East of Tidcombe Hall 24/00045/MOUT/Independent/Landscape/Review/2049459.</p>	<p>All heritage assets have a setting and this is defined by the National Planning Policy Framework. Section 4.5 (pages 60 and 61) of the Grand Western Canal Conservation Area Appraisal and Management Plan explains the setting of the canal and this has been amended to explain elements of the setting which can contribute to the overall significance of a conservation area.</p>

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<p>Page 222</p>	<p>These were both prepared on behalf of the Planning Department when considering the planning applications at Tidcombe Hall. Both state that the land south of the Canal has important historical features and development of the land would have a serious impact on the Canal setting. On this basis, rather than removing land that would protect the setting of the Canal, consideration should be given to extending the area currently part of the Conservation Area further.</p> <p>At the beginning of the 21st Century I was commissioned by the then owner of Tidcombe Hall to investigate the possible development of the Hall and Grounds. My dealings with MDDC were with the Deputy Chief Planning Officer, Mr. It was agreed that the only development that could take place was to be limited to the immediate grounds and walled garden so that the Conservation Area (as it then stood) was protected. It was considered that due to the nature of the ground and the importance of the Canal, that no other development should take place due to the impact on the Canal, its nature, appearance and appreciation. The removal of these 2 parcels of land would be detrimental to that view. I would refer to the Photographs – View 2 in the report that shows the open views across currently protected land to Tidcombe Hall. If this protected land was removed, then development could take place as part of the ‘Contingency Site’ that would close off this view.</p> <p>Land to the East of Glebelands. There is a small paddock to the east of Follett Road that historically was considered for development. This paddock, used by the Canal Company for occasional wintering of their horses, has a predominance of wildflowers during the summer making it a feature of the Canal especially for those walking the Canal.</p>	

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<p>Page 223</p>	<p>Although not directly related to the Canal, consideration should be given to incorporating it into the Conservation Area to strengthen the buffering of Glebelands from further development adjacent to the northern side of the Canal.</p> <p>Snakes Wood The shape of the Canal created by the change of direction also resulted in the wood known as ‘Snakes Wood’ being so named. Although the springs within the land and the streams from the south that cross south to north existed prior to the creation of the Canal, the wetland that currently exists to the south of the Canal and encompassing most of the wood, came about because of the obstruction caused by the canal. The unique nature of this directly related to the Canal – which should justify keeping both of those as part of the conservation area.</p> <p>The Canal can be seen to cut through the northern part of the wood that is on the lower levels matching the adjoining fields. Having tried to access the wood some 60 years ago and over the years, it is obviously older than many of the current trees as the dead and decaying trees that lie throughout the wood are obviously much older. It is possible to consider that the wood can be said to be at least 250 years old. As the Tythe Maps post-date the wood, whether the wood is a natural creation or was planted as a source of fuel for Tidcombe Hall and its predecessors cannot be established.</p> <p>The wood is also a considerable wildlife resource. Many types of bird are to be seen, owls have been seen to fly through and bats have been seen at dusk. Deer use it as cover and it would likely provide cover for other species such as foxes. Squirrels are always seen crossing through the trees in search of food.</p>	

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<p>Page 224</p>	<p>Because of the springs within the wood and the water course that enters the wood from the south, when the canal was constructed, a syphon was constructed to carry the water from the springs in the wood and the water course under the Canal. The very fact that a syphon exists is further evidence that Snakes Wood existed BEFORE the Canal was constructed. Otherwise, why is there a syphon under the Canal?</p> <p>Wharf House and land to the west of the Canal. The setting of Wharf House in the canal cutting leading to the proposed tunnel (to link to the Taunton stretch of the Canal to the north) and the land around it is part of its setting. The steep banks are an important feature resulting from the development of the 'cutting' leading to the proposed tunnel. These banks need to be maintained as part of the Conservation Area. To take the western bank, slopes and path out of the Conservation Area increases the risk of the land becoming unmanaged and creating a risk to the canal from falling debris, branches and trees. Taken out will reduce the pressure on the landowner to maintain the bank and trees. These banks/cuttings are also a natural wildlife resource area.</p> <p>Planning Policy and Guidance National Policy The national legislative framework for the conservation and enhancement of conservation areas and listed buildings is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990). Section 69 of this act requires Local Planning Authorities to designate areas which they consider to be of architectural and historic interest as conservation areas, and Section 72 requires that special attention should be paid to ensuring that the character and appearance of these areas is preserved or enhanced. Section 71 requires the Local Planning</p>	

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<p>Page 225</p>	<p>Authority to formulate and publish proposals for the preservation and enhancement of these areas.</p> <p>National Planning Policy in relation to the conservation and enhancement of heritage assets is outlined in Chapter 16 of the Government’s National Planning Policy Framework, or NPPF (DLUHC 2023). The NPPF highlights good design as one of twelve core principals of sustainable development. Sustainable development relies on sympathetic design, achieved through an understanding of context, along with the appreciation of the immediate and larger character of the area in which new development is sited.</p> <p>The following is taken from the published document that supports my comments.</p> <p>DM25 Development affecting heritage assets</p> <p>Heritage assets and their settings are an irreplaceable resource. Accordingly, the Council will: a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings; b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design.</p> <p>4.5 Setting of the Grand Western Canal</p> <p>The setting of the Conservation Area is a contributor to its significance, allowing for the Grand Western Canal Conservation Area to be understood and appreciated. Setting is defined within the NPPF as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset,</p>	

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<p>Page 226</p>	<p>may affect the ability to appreciate that significance or may be neutral. (NPPF: Annex 2: Glossary)</p> <p>To the southeast of the canal from Tiverton, views across the agrarian landscape can be appreciated and this includes views of Tidcombe Hall, a prominent building and historically located in an isolated position. The pastoral character of the setting of the Conservation Area can also be appreciated from Warnicombe Lane to the south, which is of an elevated position. To the north of Tidcombe Hall and to the west, the area has altered from a rural undeveloped landscape to residential, thus the open landscape character to the east and south remains an important link to the rural setting of the Conservation Area</p> <p>Much of the Conservation Area is experienced within the rural landscape, positioned between settlements. The historically open and agricultural land positively contributes to the pastoral character of the Conservation Area’s historic setting, as shown in View 3. There are noteworthy buildings in the setting of the Conservation Area, often within views from the canal across the agrarian landscape to settlements such as The Parish Church of St Andrew, Halberton. Historic farmsteads such as Tidcombe Farm and Battens Farm set within the rural landscape are positive elements within the Conservation Areas setting.</p> <p>5.8 Public Realm</p> <p>Open Spaces The open and verdant spaces in the Conservation Area make a positive contribution and are integral to its character. The towpath itself is the predominant area of open and public space which allows for an appreciation of the special interest of the Conservation Area. Other important open spaces include areas where views are afforded across the rural landscape which contributes to our experience of the asset.</p> <p>Trees and Planting Areas of the Conservation Area are heavily wooded, and the presence of mature hedgerows and veteran trees</p>	

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	<p>make a positive contribution. Invasive foreign species should be resisted, and an appropriate level of maintenance should ensure that the footpath is not obstructed.</p> <p>Acknowledgements Copies of the maps have been taken from the MDDC proposed Conservation Document. Some wording has been copied from other contributors with their permission. The sections on Planning Policy and Guidance has been copied from MDDC published documents.</p> <p>Yours faithfully</p>	
<p>Four Villages Environment Group</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 227</p>	<p>Dear Mid Devon District Council</p> <p>Please find our feedback on the Grand Western Canal Conservation Area and Management Plan.</p> <p>We are concerned about the cost associated with this consultation and the resulting actions that may impact public finances, as Mid Devon District Council like all Local authorities are struggling for funds. Considering that, it would seem sensible to leave the Conservation area as it is for now.</p> <p>If, however, Mid Devon District Council feel they must make some changes, we have supplied comments relating to specific areas within the proposed plan, as well as a general statement.</p> <p>The limekilns at Canonsleigh (locally known as Cracker Corner) We would support this addition to the Conservation Area due to their listed status and the fact that the limekilns are also on the site of an ancient graveyard belonging to an old village church that was once part of the wider Canonsleigh Abbey Estate. There are, however, also limekilns at Whipcott and along the road from Cracker Corner to Westleigh that aren't included in the current or proposed Conservation Area Plan. It would be useful to</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest. Both the Whipcott Lime Kilns and Tramway are not proposed to be included within the designated conservation area as this would necessitate a large area of land not of historic or architectural interest being included</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in</p>

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<p>Page 228</p>	<p>ensure that protection of all these historical limekilns be considered, as they're part of the local historical environment.</p> <p>There should be some consistency within the Conservation Area Plan. At Whipcott there is also historical evidence of an old tramway leading from the quarry to the old Whipcott Wharf, as seen below on the OS map from 1840's to 1860's. This area isn't in the conservation area either.</p> <p>1&2 Quarry View Burlescombe We see no issue with the removal of this part of the conservation area, as long as the Mineral railway and the old water tower directly next to it – between Black Bridge and the Main Railway line – are kept within the existing conservation area. FVEG Grand Western Canal Conservation Area and Management Plan response, August 2024</p> <p>The woodland to the north of Whipcott Farm Whilst this may seem to lack any buildings that make up “<i>architectural interest</i>”, this field does have historic interest as part of the wider historical quarrying and lime transportation site. It is abutted on all sides by the canal, an old quarry face and old limekilns. There are also springs in this section of the canal, between Whipcott and Waytown – as noted in the book <i>Exploring the Grand Western Canal by Jean Hall and Joy Yeats</i>. It's important to ensure that the natural state this area has been returned to is protected, so there's no risk of expanded building / development, that would detrimentally affect the surrounding area or historical aspect.</p> <p>Lowdwells – woodland Whilst this may lack any buildings to make up “<i>architectural interest</i>”, the woodland is incredibly important, as it's an area of</p>	<p>terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>This document has been amended in Section 4.2.4 Character Area Four (page 43) in the light of the comments provided about the occupancy of Pondground Cottage and the use of the land.</p>

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<p>Page 229</p>	<p>the canal that was part of the historical lock, cottage, and wharf site. It also includes the last quarry wharf as well as a leat, in this section of the Canal – as noted in the book <i>Exploring the Grand Western Canal by Jean Hall and Joy Yeats</i>. There is historical evidence of old quarry workings and quarry tunnel between the canal and Pondground quarry, next to the old cottage, as marked on the OS map from 1840’s to 1860’s below. It’s also important to ensure that this area of natural habitat woodland is protected so there’s no risk of expanded building / development, that would detrimentally affect the surrounding area and historical aspect. Again, there are old limekilns in Beacon Hill Copse that haven’t been added to the conservation area. Whilst these proposed areas of removal of conservation area aren’t in our parish, we do have concerns about the proposed removal plans. There has been significant development creeping into the boundaries of the canal. Whilst we understand the need for more housing, removing these conservation areas will greatly risk them being used for potential expanded building / development, that would detrimentally affect the surrounding area. It would also have major repercussions along the length of the canal, opening the door for the same thing to happen elsewhere along the Grand Western canal length. FVEG Grand Western Canal Conservation Area and Management Plan response, August 2024</p> <p>General follow up statement from FVEG The Grand Western Canal and environs is an important part of Mid Devon. All along the canal is extensive evidence of important buildings and history, which are a vital reminder of the uniqueness of this place. This is why a considered and meticulously put together Conservation Area was put in place. Now a country park, the Grand Western Canal needs as much protection as possible along its boundaries, to ensure it retains</p>	

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<p>Page 230</p>	<p>these important historical and natural features, that not only brings visitors to the county, but also allows the nature and wildlife to thrive. Much of the canal boundaries are filled with numerous hedgerows, plant and wildlife species – including endangered species – which is incredibly important for the area’s biodiversity and continued survival as a country park. Not only does the canal conservation area allow the combined heritage and wildlife to be protected, it also provides planning stipulations to ensure that history is protected and the countryside isn’t swallowed up by building and development that would negatively impact the area. The Grand Western Canal forms a continuous wild corridor all the way from Tiverton to Lowdwells. Reducing some of these conservation areas along the canal will have a detrimental effect and set a precedence for further future conservation area reduction. This would leave the Grand Western Canal at risk of negative developmental encroachment and it’s incredibly important that this isn’t allowed to happen. If you have any questions regarding our response, please don’t hesitate to contact our Assistant.</p>	
<p>Individual</p>	<p>I am pleased to see that Tidcombe Hall will no longer be building houses in the grounds there. I wish to ask that you keep the fields along the Grand Western Canal to Snakes Wood building free. The Canal and those fields are an asset to Tiverton. If building is done there it will stop the tourists coming to the town hotels as well as the canal. Please keep these areas building free.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 231</p>	<p>I am writing to protest strongly about the proposal to remove any of the conservation status of the area around the Grand Western Canal and the proposed building of 100 houses in this area.</p> <p>Our canal is a vital part of our town’s heritage from both an environmental point of view and a source of revenue for the town. The history of the canal goes back many years to the time before the introduction of the railways and in the 1970’s local people fought long and hard to prevent it being closed over. We now have an amazing attraction here for both local people, who walk their dogs, cycle, and simply come to enjoy the tranquillity, the landscape, and the amazing flora and fauna and also for visitors to our town to enjoy. Snakes Wood in particular is a haven for wildlife of all descriptions.</p> <p>In addition to this our Horse Drawn Barge is now almost unique in this country, there being only two in the whole of England and it draws tourists from far and wide who bring revenue to the town and pleasure to all who visit. It is such a lovely sight to see this barge with its beautiful horse quietly plodding along the tow path and a trip on the barge is a wonderful experience for locals and visitors alike.</p> <p>If any of the conservation area is removed this will endanger the wildlife there and will open the door for development which will completely destroy this tranquil area. The likelihood would be that the barge company would not be able to survive as the whole experience of a trip on the barge would be ruined. A large part of the pleasure it to see the beautiful countryside and who would want to see that ruined and be looking at a housing estate!</p> <p>The additional problem which the building of the houses would create is the amount of increased traffic in Tidcombe Lane and Warnicombe Lane, neither of which can withstand this extra burden. Tidcombe Lane is already taking far more traffic than it can</p>	<p>Thank you for your comments</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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	<p>sustain and it will be even more dangerous for the school children with the increased amount the development would cause.</p> <p>We have a very large new estate now with Braid park and the surrounding area which is still increasing and with still no extra infrastructure such as schools, doctors, dentists etc. We do not need another development in this area to add to this.</p> <p>I would urge the Planning Committee to think long and hard when considering this development and realise what a detriment it would have on our canal area our heritage and the economy of Tiverton in general and to vote against this proposal.</p> <p>Yours faithfully</p>	
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 232</p>	<p>If this development goes ahead it is going to have an impact on the wildlife traffic, the horse drawn barge and also the infrastructure in Tiverton. It will harm/destroy wildlife and its habitats and the ancient woodlands. We have deer, foxed, swans, ducks, herons, kingfishers etc that this will affect and which bring such joy to people out waling and observing these beautiful creatures and birds. Traffics is always an issue along Tidcombe lane especially with parking at the school. I have witnessed delivery vans not able to get over the bridge due to parents paring right up to and virtually on the bridge. It causes a lot of congestion when Canal Hill has to be closed for a while trying to get down Tidcombe lane was a nightmare as tractors, buses and lorries were having to use this narrow winding lane. Then there is Blundell's school where children have to step right onto this road to get to and from their halls of residence to reach the sports fields. If there is an accident on Canal Hill or on Tidcombe Lane it will bring the area to a complete standstill. The barge trips which are a part of Tiverton's heritage and a source of joy to the locals and visitors will be at risk as no one wants to travel along the canal to see modern houses. Visitors take trips on the barge to be in the serene countryside to enjoy the peace and quiet and to observe all the wildlife alongside its banks. Building alongside the canals is a totally inappropriate</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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	<p>place to put more housing, It is an area of outstanding natural beauty and has been so for many generations. Building aloof the canal will undoubtedly affect visitor numbers into Tiverton.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 233</p>	<p>As a resident of Tiverton and residing in a property with Canal access, the future Plans for the Canal affect me considerably. I also live within the area of Tidcombe Hall and Tidcombe Lane. The Canal has an interesting history right back to when lime was transported by horse drawn barges. The land adjacent to it behind Tidcombe Hall also has an amazing history. There was once a Nunnery, and a lake fed by a water course down to the Canal and in the recent past water has been an issue in and around Tidcombe Lane and Newts Hill. Not good places for building houses but wonderful for the ecology of the area.</p> <p>1. We need to be using Canals for local access for a number of reasons. Mental health, physical wellbeing, for education and supporting our rapidly depleting insect and mammal life as well as supporting Ramblers, Anglers and Tourism. I believe Isambard Kingdom Brunel designed the aqueduct at Fossend Wharf. But does that have a Conservation Area?</p> <p>2: All of the aforesaid means that we need to keep the Conservation Area currently in existence in place for the future for Snake Wood and Tidcombe East and possibly extend it even further not decrease it or take it away.</p> <p>As Councillor Steve Keeble, who is a cabinet member for planning and economic regeneration, said: “The Grand Western Canal is a vital part of our local heritage and it is essential that we take careful steps to preserve its unique character.” I wholeheartedly support his statement.</p>	<p>Thank you for your comments.</p> <p>The aqueduct and Fossend Bridge/wharf is included within the Conservation Area.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Dear Sir, I am wondering if anyone has done a nature survey of this area. I think you would be surprised at what a treasure of wildlife that calls this area home, which means it is well supported with food. The birds, owls and warblers to name a few are visitors of my</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and</p>

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<p>Page 234</p>	<p>garden. A readymade nature reserve on Tiverton’s doorstep is a real asset. I am sure there are volunteers who would keep up with maintenance. As it is a small area and ready-made why not keep the conservation status. People need homes and so doe’s wildlife, people also need wildlife which is quite happy to cohabit if we give it a chance. That chance is in your hands. Thank you for reading this.</p>	<p>guidance. It is not able to action a nature survey of the area, and this would be a separate matter for the Council to explore.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Basis of objection 1. I object to the proposed reductions to the geographical extent of the Grand Western Canal Conservation Area including, but not limited to, (i) Snakes Wood, and (ii) 16 Turnpike, Sampford Peverell. I object to the failure of the Appraisal to recognise the positive contribution that these existing designated areas make to its special interest. What has changed 2. Section 2.2 of the Appraisal says that the Conservation Area was first designated in October 1994. It continues by asserting that: "<i>There has been a great deal of change since the Conservation Area was first designated</i>", but no such change is identified to support the claim. In this document I shall therefore review whether there have been any material changes in the last 30 years to support the claim. This approach is consistent with and informed by section 7 "<i>Review</i>" of Historic England Advice</p>	<p>Thank you for your comments.</p> <p>The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon local planning authorities to, from time to time, to review their conservations areas, see Section 69 (2). The process of reviewing the existing conservation area is one which needs some measure of continuing re-appraisal, though the need for the review will be proportionate to development pressures inside and outside the conservation area. The Grand Western Canal Conservation Area was designated in October 1994. It has not had written or published proposals for the preservation and enhancement of the area as directed by the 1990 Act or any review of the area prior to this date. There is a need to review the conservation area against current legislation, national and local planning policies, and following best practice and using appropriate methodologies. It is equally important to review conservation areas to measure change and to understand potential pressures on them. Other changes since 1994 include the National Planning Policy Framework (NPPF) which was first introduced in 2012. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an</p>

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<p>Page 235</p>	<p>Note 1 (Second Edition) which, at paragraph 105 says: "<i>With appropriate management procedures in place, the character and appearance of a conservation area should not change rapidly for the worse</i>", but where a review takes place it should record "<i>what has changed</i>".</p> <p>Legislation</p> <p>3. It is beyond dispute that the statute has not changed. The Planning (Listed Buildings and Conservation Areas) Act dates from 1990 and none of the relevant statutory provisions set out in Part II of the Act have changed, see: https://www.legislation.gov.uk/ukpga/1990/9/section/69</p> <p>4. The key provision is section 69(1) which requires a Local Planning Authority to: "<i>determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance [and] shall designate those areas as conservation areas</i>". Subsection (2) imposes a duty: "<i>to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated</i>".</p> <p>5. It follows that when the District Council identified the geographical extent of the Grand Western Canal Conservation Area in 1994 it was satisfied that this definition was met.</p> <p>Planning policy</p> <p>6. The starting point is that policy cannot change the statutory test. Although planning policy and guidance has changed in name over the last 30 years it has not materially changed in substance. This can be illustrated by quoting from the key documents.</p> <p>7. Paragraph 4.3 of Planning Policy Guidance (PPG) 15 "<i>Planning and the Historic Environment</i>", which was extant in October 1994, said: "<i>...it is important that conservation areas are seen to justify their status and that the concept is not devalued</i></p>	<p>area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>Historic England as the government’s statutory adviser provides and updates guidance on the Historic Environment. This includes the 2019 Conservation Area <i>Appraisal, Designation and Management</i> Second Edition, Historic England Advice Note 1. Local Authorities ensure the conservation of our Historic Environment through the application of the latest guidance, national and local policy and legislation.</p> <p>The document has been amended on Page 11 to include reference to 16a Turnpike. With regards to protecting trees at both Snakes Wood and 16 Turnpike, Historic England’s guidance <i>Conservation Area Appraisal, Designation and Management</i> states that ‘<i>a designation made solely to protect veteran trees is unlikely to meet the criteria of special architectural or historic interest as set out in the NPPF, and Tree Preservation Orders (TPOs) would be a more appropriate route for protection</i>’. Therefore, areas must be of sufficient architectural or historic interest to warrant designation in order to not devalue the concept of conservation, in accordance with the NPPF.</p> <p>Snakes Wood does not form part of the canal’s special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site. It is acknowledged that it provides an attractive setting and this is mentioned within Sections 2.4 and 4.5 of the document.</p> <p>On the proposed de-designation of 16 and 16a Turnpike, it is important that areas meet the criteria as set out in legislation and guidance – this being historic or architectural interest. In line with Section 69(2) of the Planning (Listed Building and Conservation Area) 1990 Act, the Council is undertaking the first review of the area since designation. 16 and 16A Turnpike are modern buildings which do not contribute to the Grand Western Canal Conservation Area’s special interest or significance. There is no known association to the Grand Western Canal in terms of the canal’s construction, use for transportation, its history and significance as a heritage asset.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and</p>

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<p>Page 236</p>	<p><i>by the designation of areas lacking any special interest. Authorities should...periodically review existing conservation areas...cancellation of designation should be considered where an area or part of an area is no longer considered to possess the special interest which led to its original designation".</i></p> <p>8. Paragraph 4.5 of PPG 15 continued: <i>"The principal concern of a Local Planning Authority in considering the designation of a conservation area should be to form a judgement on whether the area is of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".</i></p> <p>9. Paragraph 197 of the National Planning Policy Framework now says: <i>"When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest".</i></p> <p>10. Paragraph: 024 Reference ID: 18a-024-20190723 of the Planning Practice Guidance says: <i>"Local planning authorities need to ensure that the area has sufficient special architectural or historic interest to justify its designation as a conservation area. Undertaking a conservation area appraisal may help a local planning authority to make this judgment. See the Historic England website for further advice on conservation area designation, appraisal and management".</i></p> <p>11. So, to summarise, when the Council designated the extent of the Conservation Area in October 1994 it must have been satisfied that the statutory test was met and that, amongst others, Snakes Wood and 16 Turnpike were of special architectural or historic interest or else, applying PPG15, it would not have designated those areas as part of the Conservation Area. Nothing in current policy and guidance, including Historic England</p>	<p>guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal. The development known as "SP2" is a site allocation in the adopted Mid Devon Local Plan. This site allocation and its potential impact on the setting of the Grand Western Canal conservation area was subject to testing through the independent examination of the Local Plan by the Planning Inspectorate. The site allocation has been granted planning permission and is currently being implemented.</p> <p>Any variation to the boundary and the maps used are the most up to date maps and follow clearly drawn boundaries, including that of the canal. With regard to Local Land Charges and any land subject to change, the Local Land Charges Register shall be updated by Mid Devon District Council.</p> <p>Regarding Permitted Development rights, the Council would assess on a case-by-case basis whether planning permission is required. The Grand Western Canal Conservation Area is without an Article 4 direction therefore certain Permitted Development rights are not restricted.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park. Additionally, there will remain the opportunity for the Council to assess whether any of the existing trees, or groups of</p>

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<p>Page 237</p>	<p>Advice Note 1 (Second Edition), has materially changed the policy set out in PPG15. Have there been any changes on the ground at Snakes Wood?</p> <p>12. Dealing initially with Snakes Wood, whilst I acknowledge that I did not know the area in 1994, it stands to reason that it was a wood when it was designated and it remains a wood now. On the balance of probability, thirty years on the woodland has matured into an even more attractive sylvan setting to the canal. Paragraph 2.4 of the Appraisal says: "...<i>although the woodland provides an attractive setting it is of little historic or architectural interest</i>", so it is common ground that it is valued as an attractive setting to the canal. Moreover the claim that it is of little historic or architectural interest confirms that the wood has such interest and implies that there is a judgement to be made about its value. This approach is consistent with paragraph 10 of Historic England Advice Note 1 (Second Edition) which says prior to appraisal a decision needs to be taken about the significance of an area. It identifies the first step in answering that question to be: <i>"whether an area has: a) sufficient architectural or historic interest for the area to be considered 'special'? [my emphasis]</i>.</p> <p>13. In considering the answer to that question it is clear that nothing has materially changed on the ground since the same Council answered this question in the affirmative in 1994. Since neither the statutory test nor planning policy and guidance has changed since that judgement was reached 30 years ago the Council needs to explain what it is that has led to the opposite conclusion being reached because as it stands it appears to be perverse.</p> <p>Have there been any changes on the ground at 16 Turnpike?</p> <p>14. In the case of 16 Turnpike, paragraph 2.4 of the Appraisal dismisses this as a "<i>modern building</i>", but the fact is that it is 30 years older than when the same Council decided to designate it as part of the Conservation Area. The house was extended with a first</p>	<p>trees at Snakes Wood and 16 Turnpike merit the making of a Tree Preservation Order (TPO).</p> <p>Officers undertook several site visits of the Grand Western Canal and the property 16 Turnpike was assessed from the public realm, as viewed from the canal. The Council has published the proposals within an 8 week consultation and held two 'drop-in' events to allow the public to comment and provide information to inform the final document.</p> <p>Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 (legislation.gov.uk) sets out the requirements placed on the Council for the formulation and publication of proposals for the preservation and enhancement of conservation areas. It does not include a requirement to notify households that may be affected by the proposals to review the conservation area boundary.</p> <p>There is no requirement to notify households of reports to be considered by the Council's Cabinet. However, public notification of such reports is provided through publication of the Council's Forward Plan Browse plans - Cabinet, 2024 - MIDDEVON.GOV.UK and forthcoming decisions - MIDDEVON.GOV.UK on its website.</p> <p>The public consultation on the Grand Western Canal Conservation Area Appraisal and Management Plan has been publicised through a press release by the Council on 17th July 2024.</p>

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<p>Page 238</p>	<p>floor extension and balcony in the late 1970s and so at the point of designation in 1994 the built form and mass of the dwelling was identical to that which exists today. Whilst a double garage was erected at No 16 in 2012 pursuant to a grant of planning permission this lies to the north of the dwelling and is therefore screened in views from the towpath and the canal. The only other material change has been the addition of solar thermal panels in 2012, and subsequently photovoltaic panels, but these are all seen against the plane of the roof and so again do not alter the building's mass or scale.</p> <p>15. It is nothing short of astonishing that the Appraisal fails to make reference to any other physical feature of this part of the Conservation Area but since the Conservation Officer failed to visit my property and the Council failed to notify me about this entire process perhaps I should not be surprised. As a landowner who pays around £4000 in Council Tax every year I should not have to rely on a phone prompt on 'Devon live' to alert me to such a fundamental change that affects the designation of my property. The Council's approach is directly contrary to the advice in paragraph 76 of Historic England Advice Note 1 (Second Edition), which says: "<i>Involving the community at an early stage is advisable. Local planning authorities may wish to consider how best to inform owners...</i>".</p> <p>16. Moreover there is a whole section in Historic England Advice Note 1 (Second Edition) that relates to "<i>Community and owner consultation and involvement</i>" that seems to have escaped the attention of Officers. The clear message underpinning all the advice is that consultation and engagement is important to build consensus. One only has to look at the tone of the reports on 'Devon live' to realise that the Council has completely failed in this respect and has alienated large sections of its community by its approach, see for example "<i>Locals fear disaster as protected Devon area under threat</i>" at:</p>	

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<p>Page 239</p>	<p>https://www.devonlive.com/news/devon-news/passionate-locals-rally-protect-beautiful-9451907</p> <p>17. If the Conservation Officer had actually visited my property he would have noticed a second dwelling now known as 16A Turnpike, which is a separate area that has a different title registered with the Land Registry. No 16A was erected in around 1980 to serve as the village doctors' surgery. Again at the point of designation in 1994 the built form and mass of this building was identical to that which exists today. A single garage was erected pursuant to planning permission at No 16A in 2013 but this too lies to the north of the dwelling and is therefore screened in views from most directions. The only other material change was the addition of photovoltaic panels in 2011 but these too are seen against the plane of the roof and so do not alter the building's mass or scale.</p> <p>18. The most obvious feature of the property that the Appraisal fails to make reference to is trees. The Council's website says: "<i>All trees in Conservation Areas are protected if they have a stem diameter of 75mm (roughly 3 inches) measures at 1.5m (roughly 5 feet) above ground</i>". Applying that definition I estimate that there are approaching 1,000 trees on the property. I submit that this is the largest concentration of trees actually within the Conservation Area along the central stretch between Swans Neck and north of Ayshford, which is approximately 7 kilometres. Mature trees include ash, wild cherry, copper beech, field maple, oak, birch, willow, silver birch, alder, aspen, rowan, yew, pine, cedar, larch, hornbeam, acer, beech, conifer, maple and a swamp cypress. There are a variety of ornamental trees, such as catalpa [Indian bean tree], laburnum, rhododendron, bay, magnolia, holly, spindle and davidia [handkerchief tree]. There are also fruit trees such</p>	

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<p>Page 240</p>	<p>as apple, pear, damson and a medlar which was planted 70-years ago. This is apart from more common species such as elm, cornus, elder, hazel, blackthorn and hawthorn.</p> <p>19. Prior to our purchase of the property in 2011 we notified the Council who agreed to the removal of approximately 200 conifers from the property and these have been replaced by a mix of predominantly native broad leaved trees that have now achieved a degree of maturity to the extent that the trees largely screen and/or filter the built form when seen from the towpath. This is illustrated by the fact that the Appraisal is completely silent about No 16A and so it is clear that the Conservation Officer did not notice its existence.</p> <p>20. I consider that the principal reason why my property was included in the Conservation Area in 1994 is because of the trees. I acknowledge that the dwellings date from the twentieth century but it is clear from the Appraisal’s comments with regard to Snakes Wood [see analysis of ‘little’ at paragraph 12 above] that it is common ground that trees rather than buildings can be a basis for meeting the statutory test. In reaching this view I note the contents of paragraph 74 of Historic England Advice Note 1 (Second Edition), which says: “<i>A designation made solely to protect veteran trees is unlikely to meet the criteria of special architectural or historic interest...</i>”. However I am not aware that I have any veteran trees on my property. Rather it is the group value of the many trees that is important and that can best be conserved by the designation of a Conservation Area.</p> <p>21. It is also worth recording that Historic England Advice Note 1 (Second Edition) contains numerous references to the importance of trees and gardens within a Conservation Area. For example paragraph 56 says: “<i>Trees, hedges, boundaries and street greenery are important elements of many Conservation Areas, not only in public places but on private land as well</i>”. It goes on to talk about the importance of identification, including species,</p>	

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<p>Page 241</p>	<p>age, assessment of condition etc, which the Council has failed to undertake at the most elementary level because it didn't notice there were any trees.</p> <p>22. In my view the failure to even notice and record the existence of almost 1,000 trees is a fatal flaw in the Appraisal because, just like at Snakes Wood, they make such a positive contribution to the character and appearance of the Conservation Area. They are what makes this section of the canal, to the south west of Sampford Peverell, special. So again returning to the question posed at paragraph 10 a) of Historic England Advice Note 1 (Second Edition) it is clear that nothing has materially changed on the ground since the same Council answered this question in the affirmative in 1994. The trees on my property provide an attractive sylvan setting to the canal and conversely if those trees were removed [see below] the canal and Conservation Area would be diminished. In the absence of any material change what has prompted the Council's about turn?</p> <p>23. Against a clear finding that the statutory test, planning policy/guidance and the areas themselves have not materially changed over the last 30 years, I rhetorically ask what underpins the Council's change of position? I consider there are 2 possible alternatives.</p> <p>24. The first is that the Council, corporately, seeks to remove a constraint to the erection of houses. After 30 years of not doing anything it can be no coincidence that the Council chooses to review the extent of the Conservation Area and de-designate numerous areas thereof at the same time as there is a national debate about and, post-election, a renewed focus upon increased house building. Unlike listed buildings a Conservation Area is a designated heritage asset that the Council has control over in terms of designation. Whilst I acknowledge that the existence of a designated heritage asset</p>	

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<p>Page 242</p>	<p>does not preclude house building it is a constraint, as illustrated by the Council's own Policy DM25 a), which applies "<i>a presumption in favour of preserving or enhancing all designated heritage assets and their settings</i>". In the absence of any other explanation this appears to be the most likely explanation for removing numerous areas from the designated Conservation Area and applies particularly to the area defined in section 2.4 of the Appraisal as the "<i>Tiverton Basin</i>", which includes Snakes Wood.</p> <p>25. In saying this I record that I have direct experience of the deceitful manner in which the Officers of this Council conduct themselves. The most recent of many examples is the processing of application No 22/01688/MOUT, which sought a variation of planning conditions so that the trigger would be first occupation rather than the commencement of development. The Agent agreed to my suggestion about re-wording the conditions such that my objection was withdrawn but the application was reported to the Planning Committee because others maintained their objection. The Planning Committee report talked about consequential changes to the legal agreement: "<i>to ensure the planning obligations apply to this S73 application</i>", which was entirely to be expected. However when the legal agreement was posted online post decision what the Council had actually done was delete a separate legal agreement that offered monies towards a 30-mph speed limit that was agreed to be necessary. In other words, despite the fact that there was no mention of deleting the speed limit in the application, no consultation in this respect and no mention of it in the Committee Report, the Officers schemed to delete the speed limit that the Highway Authority agreed to be necessary at the Public Inquiry. As a result of this and other experiences I no longer trust this Council to do anything properly and I strongly suspect that there is an ulterior motive underpinning this exercise.</p>	

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<p>Page 243</p>	<p>26. The second alternative is that existing urban development has already harmed the setting of the Conservation Area. Section 4.5 of the Appraisal deals with this and says: <i>"Where urban development has expanded into the countryside, this has a detrimental effect. There are further areas where the setting has been urbanised including the significant change to Sampford Peverell in recent decades, with extensive and prominent residential development. Much of the rural character of the setting of the Conservation Area has been lost here. There is little architectural quality to much of the development which can be prominently viewed from within the Conservation Area"</i>. This reference to "further areas" appears to be a reference back to the sentence that starts: <i>"To the north of Tidcombe Hall and to the west..."</i>. So, generically, the claim appears to be that the areas of harm to the setting are at Tiverton Basin, as defined, and at Sampford Peverell.</p> <p>27. The only reasonable interpretation of the phrase <i>"recent decades"</i> can be to the last 30 years. Since 1994, when the Conservation Area was designated, I have established that the only <i>"significant change"</i> in Sampford Peverell has been as a result of the residential allocation SP2 as other housing, such as Fairfield, was completed years before 1994.</p> <p>28. The site at SP2 was chosen by the Council at a secret, private meeting of the Planning Policy Advisory Group [PPAG] for which the Council holds no minutes and the inadequate appraisal that informed that decision failed to even identify the existence of the Grand Western Canal Conservation Area. At all material stages the Council asserted that SP2 would not have any significant effect on the setting of the designated Conservation Area and throughout the processing of subsequent applications it has maintained that housing would preserve the setting. By making the statement at Section</p>	

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<p>Page 244</p>	<p>4.5 of the Appraisal the Council now appears to admit that its judgment was wrong.</p> <p>29. The built forms on the allocated site at SP2, including those that are complete and under construction, dominate this part of the Conservation Area, breach the skyline when seen from the canal towpath and detract from its setting. In that context it would be ironic if the Council were to de-designate my property from the Conservation Area because of its failure to identify and appraise the effect of that development on the Conservation Area.</p> <p>Miscellaneous other matters</p> <p>30. Paragraph 68 of Historic England Advice Note 1 (Second Edition) says: <i>"As spaces contribute to enclosure, as well as framing views of assets and defining settings, a unified approach is desirable to their management as well as suggesting that in almost all situations the conservation area boundary runs around rather than through a space or plot. It will generally be defined by physical features..."</i> [my emphasis]. Paragraph 73 also talks about protecting open areas and makes a distinction with wider landscapes, notably with agricultural land, and so my property can be distinguished from most other areas of the open countryside through which the canal passes because our garden has a direct open frontage onto the canal that wildlife, such as moorhens and ducks, traverse daily up to our feeders. Allied to this it is worth noting that many of the gardens that back onto the canal within the village are within the Sampford Peverell Conservation Area.</p> <p>31. As in so many other respects, the Council's proposed approach runs directly contrary to this advice from Historic England because whereas the boundary around Nos 16/16A is defined by a physical means of enclosure, including a stone wall and fences, the proposed boundary would run through an open space at the bottom of my garden. For example, would it include the landing</p>	

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<p>Page 245</p>	<p>stage, the lawn, the pond, the flower border or the wooden carving of a Heron? Would it include the wild cherry on the bank of the canal or the copper beech slightly further back? Given the scale of the map of my property on page 77 of the Appraisal how could I tell? Given these ambiguities and the fact that the Conservation Area designation is a local land charge, would it be revealed and form part of my deeds or not? Put simply because there is no physical feature on the ground the Council's proposed approach is highly unsatisfactory and it has not attempted to explain why the clear advice "<i>in almost all situations</i>" does not apply.</p> <p>32. Section 4.2.3 of the Appraisal deals with character area 3, Sampford Peverell. It says: "<i>The Grand Western Canal to the west of Sampford Peverell is an area of valuable open space, the views across the landscape contribute to its character and sense of tranquillity. Areas of the hedgerow is overgrown however its presence and that of mature trees reinforces this rural character</i>" [sic]. The comment about the hedgerow being overgrown is factually incorrect as it is regularly maintained by the Country Park team of Rangers at Devon County Council but only cut outside of the bird breeding season.</p> <p>Moreover it illustrates that the Conservation Officer failed to apply advice in paragraph 24 of Historic England Advice Note 1 (Second Edition), which suggests making several visits to identify, amongst other things, the difference between summer and winter. So not only did he not visit private property but he will have missed potentially important vistas across open land because he only visited when the hedges were high.</p> <p>33. However the key issue in this respect is that the most important mature trees along this stretch of canal are in the garden of No 16 Turnpike. In particular the line of ash trees at right angles to the canal is highly visible for a considerable distance and unusual along a stretch of canal where ash dieback has resulted in many such trees, such as those near Battens Bridge, being</p>	

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<p>Page 246</p>	<p>removed. In addition to the ash, the cherry and copper beech next to the canal are crucial components to this finding. All of these trees, together with many of those identified at paragraph 18 above, pre-date what are generally more modest and relatively immature trees that stand next to the towpath within the hedgeline.</p> <p>34. The section goes on to identify boundary treatments on page 41. Most of the boundaries around Nos 16 and 16A comprise mature hedgerows. The only exception is the stone wall to the rear of the village cemetery that currently demarcates the northern boundary of the Conservation Area at this point. This is another notable example of stone walling within the Conservation Area but because the Conservation Officer failed to visit he failed to identify it and the positive contribution that it makes to the designated area.</p> <p>35. Section 5.8 identifies opportunities for enhancement and says: <i>“Areas of the Conservation Area are heavily wooded and the presence of mature hedgerows and veteran trees make a positive contribution”</i>. In this respect I refer back to paragraph 18 above and my evidence that the main area along the central 7 kilometre section of canal that is <i>“heavily wooded”</i> is in my garden. Moreover the main area along the entire length of the canal that is heavily wooded and contains veteran trees is Snakes Wood which the Council also seeks to delete from the Conservation Area. 36. Section 6.2 also deals with setting and says: <i>“Any future development or alteration to ...spaces outside the Conservation Area’s boundary must carefully consider any potential impacts on the Conservation Area’s character or local distinctiveness. Developments must be of a bespoke response to have no resultant harm. The impact of any ... removal of ... trees on key views should be considered in decision making. This includes development outside of the Conservation Area”</i>.</p>	

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<p>Page 247</p>	<p>37. It seems to me that this gets to the nub of my objection because as a direct result of the Council's proposals I, and the other landowners concerned, would be able to remove any or all of the trees that make such a positive contribution to the Conservation Area without the Council having any say in the matter. Not only that I could then exercise permitted development rights to erect buildings across half of my garden as Class E permitted development rights permit "<i>any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such</i>". Planning permission would only be required where "<i>the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)</i>". Given that my garden extends to well over an acre it is clear that the scale of the buildings that could be erected would be extensive. So, does the Council want me to cut down all my trees and erect an Olympic size swimming pool building or series of buildings? Would such development have "<i>no resultant harm</i>"?</p> <p>38. For this reason the Council's approach is directly contrary to advice in paragraph 75 of Historic England Advice Note 1 (Second Edition), which says: "<i>Before finalising the boundary it is worth considering whether the immediate setting also requires the additional controls that result from designation, or whether the setting is sufficiently protected by national policy or the policies in the Local Plan</i>". As my property would benefit from the full range of extensive permitted development rights such policies would not be relevant. Combined with the removal of up to 1,000 trees and the attractive sylvan setting of a significant stretch of the canal would be fundamentally compromised.</p>	

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<p>Page 248</p>	<p>39. When we bought our house the Estate Agent's particulars said: <i>"There are numerous ornamental trees within the garden many of which are Cypressus Leylandii trees, which need to be felled, in order to open up, what would undoubtedly be, stunning views"</i>. As noted elsewhere we removed circa 200 such conifers but our views are restricted by the many trees that remain. So whereas our neighbour at No 18 has far reaching views to the Sidmouth Gap we have no view whatsoever in that direction. However when we come to sell the property it is entirely in prospect that a new owner would want to remove all of those trees to reveal the extensive views and the Council would have no control over them doing so if the Conservation Area designation was removed.</p> <p>40. In the scenario trees are removed because of the de-designation of the Conservation Area at both 16 Turnpike and Snakes Wood, the effect on wildlife would be devastating. Using equipment provided by Devon Wildlife Trust and analysis by the British Trust for Ornithology, a survey of bats to the rear of 16 Turnpike on the Grand Western Canal was undertaken in June 2024. This identified 11 species of bat along this stretch of canal. The most common were the Soprano and Common Pipistrelle. Other species included the Brown Long Eared, Barbastelle, Daubentons, the Grey Long Eared, Serotine, Noctule and Natterers bat. There was also some evidence of Leisler's and Nathusius' Pipistrelle. Mark Baker the Country Park Ranger was <i>"surprised and excited"</i> by the results because he said: <i>"it's the first time we have had any records for Barbastelle, Brown or Grey Long-eared, Leislars, Nathusius' pipistrelle or Natterers"</i> on the Grand Western Canal. I have put up numerous bat boxes on my property to encourage bats to roost as well as dozens of bird boxes but they all depend, to a greater or lesser extent, on the continued existence of the trees.</p>	

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 249</p>	<p>41. Councillor is quoted as saying that the canal <i>"is a real asset to Mid Devon"</i> and <i>"it's essential that we take careful steps to preserve its unique character for future generations"</i>, so why does the Council want to harm the canal and put it at risk? Without safeguarding the mature trees at Snakes Wood and 16 Turnpike, which can only be achieved by maintaining the existing Conservation Area boundaries, the wildlife along the canal is threatened. The Edenstone housing development has already harmed this section of canal by releasing silt into the canal to the detriment of fish because of the reduction in levels of oxygen. This summer Edenstone washed through their tanks and pipes resulting in a blockage to the combined sewer, which resulted in sewage flowing onto Turnpike and from there into the canal. However the Council has done nothing about the failure of the developer to comply with conditions with regard to drainage and this failure is the subject of a concurrent investigation by the Local Government Ombudsman [reference 24 002 509]. In that context it is about time the Council actually did something to conserve the canal and changing this Appraisal to maintain the attractive sylvan character of the Conservation Area at Snakes Wood and 16 Turnpike is in my view the absolute minimum action required.</p> <p>Concluding comments</p> <p>42. I have demonstrated that the claim in the Appraisal that: <i>"There has been a great deal of change since the Conservation Area was first designated"</i>, is manifestly false. To the contrary, I submit that the Conservation Area has remained substantially unchanged since it was designated in 1994 and moreover that is the whole point of the designation.</p> <p>Given that the statutory test is identical and that I have shown that relevant planning policy and guidance has not materially changed</p>	

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<p>Page 250</p>	<p>in substance over the intervening years, the Council simply has no grounds for reaching the diametrically opposite conclusion. 43. I have identified numerous examples of where the Council has failed to apply the advice in Historic England Advice Note 1 (second Edition) and in the particular case of my own property the failure to visit has led to clear errors, such as not noticing a second dwelling, a stone wall or, most shockingly, almost 1,000 trees. Frankly, it's embarrassing. 44. In my view the Council should consider withdrawing the Appraisal or, at a minimum, undertaking a fundamental revision to its content so as to retain the existing geographic extent of the designation. If it fails to listen all options are on the table. As it stands the Council is sending a clear signal that it regards the canal as a constraint to development rather than an asset to be valued. From the silt and sewage that it has allowed to enter the canal by virtue of its failure to enforce conditions, to its wilful exclusion of attractive areas of mature trees from the Conservation Area, which are fundamental to rare bats, the message is that it does not care about the natural environment. Is that true?</p>	
<p>Individual</p>	<p>I wish to raise the following concerns about the changes proposed to the CAAMP:</p> <p>While the draft plan goes into detail about buildings near the Canal, it is virtually silent about the woodland, trees and wildlife habitat in the vicinity.</p> <p>Where trees and woodland do get a mention, this is a passing comment without any examination of the detail, as per the following extract from para 5.7:</p> <p>“Trees and Planting. Areas of the Conservation Area are heavily wooded and the presence of mature hedgerows and veteran trees make a positive contribution.”</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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<p>Page 251</p>	<p>This begs the questions: ‘what is the nature of the heavily wooded areas?’ and ‘what and where are these veteran trees and why are they not given the same prominence in the draft plan as the buildings?’</p> <p>I am alarmed by the proposed removal of two areas within the existing Conservation boundary without any apparent understanding of why they were included in the first place, which must have been to protect the important habitat within them. The same may apply for other areas determined to be removed, but I am only commenting about those that I know. If the removal proceeds, how will these two areas (see below) be protected?</p> <p>In my view, these two areas and any others destined for removal from the Conservation Area, should be assessed for their habitat and wildlife value and given appropriate protections (e.g. SSSI status or Tree Preservation Orders) before the present protection is removed – if it must be. The better solution would be to leave them in the existing Plan.</p> <p>The draft plan makes no mention of another wharf that lies next to the canal in Sampford Peverell and is not within a Conservation Area (either the Canal’s or that of the Village). Perhaps the authors were unaware of it – further details below.</p> <p>Area one Within this area, on either side of the Canal near Manley Bridge, is a remnant of what I believe to be wet woodland. Wet Woodland is rare and precious, being a UK Biodiversity Action Plan Priority Habitat. I only know this from having visited the larger part on the south of the Canal when it was offered for sale about 25 years ago. If it hasn’t been properly surveyed by an ecologist, then it really</p>	<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p> <p>Existing legislation and policy including the Planning (Listed Buildings and Conservation Area) 1990 Act, the National Planning Policy Framework and DM25 of the Mid Devon Local Plan 2013-2033 are relevant in terms of providing safeguards to land that is removed from the conservation area designation. Land adjacent to the canal will form part of the setting of the conservation area. Planning applications submitted to the Council for determination for development that has the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy. Section 6.2. of the Grand Western Canal Conservation Area Appraisal and Management Plan includes guidance for planning proposals for development in the conservation area and its setting.</p> <p>16 Turnpike, Sampford Peverell is a modern building with no known association to the Grand Western Canal in terms of the canal’s construction and use for transportation, and its history and significance as a heritage asset.</p> <p>Thank you for the additional information about the wharf beside Buckland Bridge. Page 39 of the document has been amended to include reference to the wharf and the wharf cottage.</p>

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Page 252	<p>should be. Not only do the important trees within it need protection from felling, but the land needs to be protected from being drained in order to retain the special habitat for wildlife. There seems to be no discussion about its merits or the reason for its deletion within the draft plan. I object to the removal of this area from the draft Plan without sufficient alternative safeguards having been put in place.</p> <p>Area three The proposal to remove the house and grounds of 16 Turnpike, Sampford Peverell from the Conservation Area, again without apparent consideration as to why it was included or the risks of removing it, needs to be re-evaluated. Whilst I acknowledge that the house doesn't relate to the historic environment of the Canal, the garden boasts some mature specimen trees, including a magnificent Cedar, which must be protected. I object to the removal of this area from the draft Plan without sufficient alternative safeguards having been put in place.</p> <p>Area three The omission of a wharf beside Buckland Bridge in Sampford Peverell is understandable, because until recently its history had not been published. The wharf was a privately funded one built by John Richard Chave to facilitate his lime trade. It is shown on the 1844 Tithe Map; at that time it was without the cottage, which was built later. Full details about its history can be found in the new publication by The Sampford Peverell Society titled 'The Businesses of Sampford Peverell volume two: Industries'. Copies are available via the Society's website (www.sampevsoc.co.uk) and various local outlets, or a copy may be borrowed from Tiverton Library.</p> <p>See photos below: IMAGE</p>	

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<p>Page 293</p>	<p>The former wharf cottage, now much altered as ‘Valley View’, stands beside Buckland Bridge. The unrendered stone wall to the left of the house, beside the towpath, separated the watered wharf behind, where stone was loaded onto boats for transporting to Chave’s own lime kilns near Tiverton Basin.</p> <p>IMAGE</p> <p>This is the wall of the wharf, next to the towpath. The arch shows the top of its entrance from the canal, meaning that the towpath must have been bridged at this point. After the watered wharf fell into disuse it was used as a swimming pool and continued as such until the 1940s.</p> <p>I ask you to take these points into account in your review of the Plan.</p>	
<p>Individual</p>	<p>Dear Sir/Madam,</p> <p>GRAND WESTERN CANAL CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN</p> <p>We write in response to your ongoing consultation on the Grand Western Canal Conservation Area Appraisal and Management Plan (CAAMP), which is out to consultation until Monday 16th September 2024.</p> <p>Our client objects to the undefined and expansive ‘setting’ protection that the CAAMP attempts to introduce through commentary on different views that are not clearly defined. This appears an unjustified attempt to introduce a high level of protection in a vague manner.</p>	<p>Thank you for your comments.</p> <p>Page 51 of the document has been amended to make clear that all planning applications for development within the Conservation Area, or its setting, should consider if there are any contributing views which will be affected and seek to mitigate any adverse impacts. Where there is a need to do so it will be incumbent on applicants for planning permission to make a bespoke assessment should there be an impact to the setting and significance of a heritage asset.</p> <p>Section 4.5 on page 60 of the document includes the definition of setting which is taken from the National Planning Policy Framework: <i>‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.</i></p>

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<p>Page 254</p>	<p>Land near Hartnolls Farm, Tiverton</p> <p>The views map (p.52) is vague, and fails to confirm the location of each view number nor does it define the extent of the view, nor the setting of the conservation area. Nonetheless, we have inferred that ‘View 3’ is the nearest to Hartnolls Farm (the third camera from the west on the map, located just before the canal curves north towards Crown Hill).</p> <p>The Council consider that from View 3, the ‘kinetic views’ when travelling along the towpath provide an experience of the areas of historic character and an appreciation of its rural setting. This is a broad description and fails to provide detailed appraisal or management advice for those interpreting the CAAMP in due course. This is unacceptable.</p> <p>This is despite allocating the Tiverton Eastern Urban Extension (and subsequently granting a number of planning permissions), and failing to include this as a putative reason for refusal to the Hartnolls application (nor advancing a case on the impact on the conservation area at the Inquiry).</p> <p>The planning application at Hartnolls (ref. 21/01576/MOUT) was accompanied by a Heritage Assessment undertaken by Cotswold Archaeology (ref. CR0538_1, dated December 2020). Section 5 considers the impact of the proposal on the setting of heritage assets, which, in summary, states: <i>“5.17 In physical and visual terms, proposed development within the Site would not affect the key evidential and historical values from which the Conservation Area and its associated Listed Building’s architectural and historic interest are principally derived, or alter their historical and functional relationships. Whilst proposed development will introduce new built form into the wider setting of the Conservation Area, the Site itself, which already contains existing industrial</i></p>	<p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Applicants are expected to undertake a bespoke assessment for any proposal which has the potential to affect the setting of a heritage asset. Every application shall be assessed on a case-by-case basis.</p>

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<p>Page 255</p>	<p><i>development, can be seen to form only a small distanced part of its wider agricultural setting that makes no meaningful contribution to its significance.</i></p> <p><i>5.18 Whilst some visual appreciation of the Site can be experienced from the Conservation Area, proposed new planting within and along the southern and eastern boundaries of the Site by development would serve to strengthen existing vegetation screening of any new built form, which alongside the retained farmland that will remain between the Site and the Conservation Area, serve to maintain its rural ambience. In consideration of the above, development as proposed within the Site would therefore result in no harm to the character or significance of the Conservation Area or its associated Listed Buildings. No further design influence arising from the assessment of the setting of heritage assets is identified.” (paragraphs 5.17 and 5.18, pages 47 and 48, PCL emphasis underlined)</i></p> <p>In the Officer Report on that application (CD1 to the Inquiry), the officer considers the impact of the site on heritage assets, and regarding the impact of the proposal on the setting of heritage assets, state (whilst making reference to the Heritage Assessment):</p> <p><i>“3.4. In terms of setting the HA states that, ‘The available evidence and inspection indicate that views of the surrounding landscape (including the Site) from these assets are predominantly blocked by existing vegetation screening and/or topography. Some glimpsed views to the Site are available from the Manley Railway Bridge. The Site is not however identified to form part of, or make any meaningful contribution to, the setting of these assets, or contribute to the special architectural or historic interest from which their principle significance derives.’</i></p> <p><i>3.5. Officers concur with this view. The impacts on the setting of heritage assets would be negligible. Suitable screening could be provided to adequately mitigate any intervisibility.” (paragraph 3.4 and 3.5, p. 40 and 41 of CD1, PCL emphasis).</i></p>	

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	<p>Therefore, it is clear that further eastward of expansion of Tiverton will not have a negative impact on the setting of the Conservation Area.</p> <p>The draft CAAMP as currently written introduces a degree of uncertainty on this matter, given its vagueness and lack of specific or detailed information, which will lead to inconsistent interpretation and subsequent decisions.</p>	
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 256</p>	<p>I am writing to express my deep concern about the current discussions about lifting the conservation status of Snake Woods and the south bank of the Grand Western Canal.</p> <p>Whilst we undoubtedly have to be aware of the need for more housing in Britain, it's absolutely essential that we protect beautiful environments like this part of Tiverton. This part of the town contains ancient woodland and a rich variety of animal life which we really must protect, not just in the interests of the environment but also because it is a tourist destination which brings visitors and money into Tiverton.</p> <p>Tivertonians obviously enjoy the health and well-being benefits of walking along the canal. But I am also often stopped by visitors on the canal to ask what routes they can take, how they get onto the old railway line and so on. We have to protect this area of our town for generations to come.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest. Snakes Wood does not form part of the canal's special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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		habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 257</p>	<p>I wish to object to 2 proposals.</p> <p>First that the land to the East of Tidcombe Hall is not of sufficient historic interest and should be reduced. Reasons: Please see the minutes on Page 7 of the GWCJAC meeting held on the 23/7/24 when Cllr...outlined in detail the historic interest which the MDDC Officer was not aware of. Plus the importance of protecting the area from inappropriate planning applications.</p> <p>Second, that a large area of woodland (Snake Wood) currently included within the Conservation Area should be excluded. Reasons: as outlined by Tiverton Civic Society, 'not all elements of a CA will necessarily contribute to its significance, however this should not always mean that these elements should be removed, if, as in this case, they are likely to contribute to the overall character and setting of the CA.</p> <p>It is an integral part of the GWC ecosystem, wildlife corridor, bird nesting site and canal barge route, which is of crucial importance to this unique tourist attraction. The wood in its entirety should continue to be considered as part of this sense of place and rural character and retained as part of the CA.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council has investigated the archaeological potential of the land adjacent Tidcombe Hall by consulting the Historic Environment Record.</p> <p>The Devon County Archaeologist suggests from the study of LiDAR that the area has been used as pasture and wet wood management. These features do not contribute to the architectural or historic interest of the canal, or further contribute to our understanding of its significance.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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		habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 258</p> <p>Tiverton Civic Society</p>	<p>Tiverton Civic Society Response to The Grand Western Canal Conservation Area Consultation. September 2024.</p> <p>Tiverton Civic Society was formed in 1968 when many local people became very concerned about the adverse effect of some planning decisions on the town and the need to protect the local environment. Our motto has been ‘WATCH AND WARD, and since then a major aim of the society has been to remain alert to significant changes to the local environment, and to prevent or reduce any adverse consequences arising from them.</p> <p>Our Society has a particular interest and concern about this topic as one of our leading members at the time, Councillor, and Mayor of Tiverton, played an important role both in saving the route of the then derelict canal through Tiverton from residential development and its early restoration. We strongly supported the transfer of ownership from British Waterways to Devon County Council and Mid Devon District Council, the establishment of a Country Park, and the later designation of the Grand Western Canal Conservation Area.</p> <p>We generally find the Appraisal Plan to be a well written, excellently illustrated and interesting, and, while we do not disagree with many of the suggested changes, applauding the suggested new inclusions, we have concerns about several of the sites recommended for delisting.</p> <p>The author of the document, Thomas Muston, stated during the first Consultation meeting that, to be included within the Conservation Area, buildings and other landscape features must have direct functional links with the canal. This principle is not always followed in the proposed changes.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>It is not proposed to extend the current adopted Conservation Area boundary to Tidcombe Farmhouse as this would necessitate large areas of agricultural land being included. These areas not being of special interest. Furthermore, the farmhouse pre-dates the canal and does not contribute to the understanding of the canal’s significance. Tidcombe Farmhouse does, however, form part of the wider landscape and ‘setting’ of the canal. Applications with the potential to affect the setting or significance of a heritage asset shall be given careful consideration within the decision-making process, in accordance with legislation and policy.</p> <p>The land west of Rock House, which is proposed to be de-designated, was once used as a quarry and this is an interesting point that is referenced on page 11 of the document. The area today is open agricultural land thus it does not meet the criteria for designation as explained above. Snakes Wood does not form part of the canal’s special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site. It is acknowledged that it provides an attractive setting and this is mentioned within Sections 2.4 and 4.5 of the document.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in</p>

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<p>Page 259</p>	<ol style="list-style-type: none"> 1. Tidcombe Hall, a non-listed building which has no such link, should be included ‘because it has always been part of the conservation area’. We support this, but also consider that, in addition to Tidcombe Hall the area proposed for delisting immediately to the east of it should be retained as part of the Conservation Area and, that this area should be slightly extended to include the Grade 2 Little Tidcombe Farmhouse, which like Tidcombe Hall, has no functional link to the canal, but is a significant component of the historical landscape. This would help to provide the extra protection from development that is widely called for in this area to the south of the canal. 2. A puzzling proposal for delisting is the area west of Rock House and the A373 in Halberton, which surely has an important functional link with the canal. The quarries at this site and just east of the A373 bridge were for long a source of important building material, Sampford Peverell or Halberton breccia, which was not only used in most of the canal bridges between here and Tiverton, but was widely used in Tiverton itself, the most prominent building being the main block of Blundell’s School, completed in 1882. See Page 27 of the Devon Building Stone Atlas: https://www.devonbuildingsgroup.org.uk/uploads/Devon_Building_Stone_Atlas.pdf. The photograph, probably taken about 1900, which is opposite Page 27 of ‘The Grand Western Canal’ by Helen Harris shows building stone heaped up on the wharf by ‘Waterside’, and confirms that quarrying was continuing at this location, and that the stone was still transported by canal barge at this time. 	<p>terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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<p>Page 260</p>	<p>3. Although we do not have strong feelings about the proposal to delist the large area to the west of Manley Bridge, and understand the reasoning behind it, we still maintain that it should be retained as part of the Conservation Area. This wood requires little maintenance and may have ‘little historic or architectural significance’ but it not only provides an attractive setting and is an integral part of the Grand Western Canal Country Park ecosystem and wildlife corridor, also being an important bird nesting site. A Conservation Area is an area of special historical and architectural interest, the character, appearance or setting of which it is desirable to preserve or enhance. Inevitably, as stated in NPPF Paragraph 213, <i>‘Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance’</i>. However, this should not always mean that these elements should be delisted or removed, if, as in this case, they are likely to contribute to the overall character and setting of the Conservation Area. Page 25 of the Appraisal Plan states that <i>‘the canal as a historic landscape provides opportunities’ for views across the landscape’</i> and that <i>‘mature trees along the towpath marking the boundary of the canal positively contribute to the sense of place and rural character’</i>, There is very little likelihood that, even if delisted, this area would be under threat from any form of development, but we feel that the wood in its entirety should be retained as part of the conservation area.</p>	

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	<p>Alternatively, could the Tidcombe SSSI be extended to include it?</p>	
<p>Sampford Peverell Parish Council</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 261</p>	<p>Dear Sirs</p> <p>At its meeting on 19 August 2024, Sampford Peverell Parish Council reviewed the consultation being carried out on the Grand Western Canal Conservation Area.</p> <p>The review was proposing opportunities for the enhancement of the Grand Western Canal Conservation area this included both adding and removing areas.</p> <p>The key concern was that the removal of areas from the conservation area did not then lead to planning applications that would not have been received/approved had the areas still be in the conservation area. The protection of this key amenity and its enjoyment by residents and locals was extremely important. That said, there were areas within the conservation area that did not appear to have any historical link to the canal and could possibly be removed without any subsequent deficit to the amenity value.</p> <p>The main concern appeared to focus on Snake Wood and Tidcombe Hall which had been a location where development was being proposed and thus far had not been approved. Removal of these areas from the Conservation Area could lead to development that would impact the canal and the surrounding road structure.</p> <p>The removal of Manleys B&B at Sampford Peverell itself did not appear to adversely affect the canal unless there was an historic reason why it should remain.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>Snakes Wood does not form part of the canal’s special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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	<p>Overall, the Parish Council welcomed the review and, without in-depth historical evidence, could see no reason to object to the change recommended for Sampford Peverell. However, any changes to the conservation area should not impact on this historic area and its amenity value.</p> <p>Kind regards</p>	<p>Manleys B&B (16 Turnpike), Sampford Peverell is a modern building with no known association to the Grand Western Canal in terms of the canal's construction and use for transportation, and its history and significance as a heritage asset.</p>
Historic England	Historic England in response to the consultation offered no detailed comments.	No further action is required.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 262</p> <p>Individual</p>	<p>Dear Sir,</p> <p>Please do not remove the woodland along the canal. Please do not allow more houses to be built along here.</p> <p>The canal and its surrounding countryside are a precious part of our town. A stretch of peace and beauty in whats becoming a loud, dirty and busy town. A place to escape to and enjoy.</p> <p>The canal brings a huge chunk of our local tourism and the income that provides to the town, the employment for local workers and visitors who pop in to town on their visit to the canal.</p> <p>I have been on several bat walks along the canal, the delight of seeing or hearing these tiny creatures never goes. Many creatures make their homes in this peaceful undisturbed setting. It is a wonderful wildlife haven, the canal tbe surrounding fields and woodland. Owls hooting, squirrels scurrying, badgers and foxes to name just a few.</p> <p>Removing old woodland cannot be replaced, these undisturbed trees have grown here for decades possibly centuries. Please do not rip them out.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid</p>

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	<p>I hope the tales of meetings at inconvenient times to avoid mass support to protest at plans, hidden boxes to deter comments being left and the lure of financial gain compared to protecting the woodlands is untrue. I really hope my local council would not be that shallow.</p> <p>Please do not allow the building of houses to be passed or remove the woodland and countryside that surround our town.</p>	<p>Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 263</p>	<p>With regards to Snakes Wood. If it is deemed that it isn't in a preservation area, it's still on the edge/border of the canal the wood goes straight up to the canal so if planning does go ahead in the future the wildlife and their habitats are going to affect the canals eco-system hence the country park. So it will affect the canal itself which is part of the preservation area.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>Snakes Wood does not form part of the canal's special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9</p>

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		Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.
Individual	The canal actually goes beyond the shown boundary. Beyond Holcombe Rogus the canal goes as far as Greenham in Somerset. After a brief blockage it is again water filled in its section near Colhay bridge farm. It is a beautiful section of the canal. It will be used by cyclists, walkers and people travelling from work and school. Could the conservation area include this very important Somerset Section? Thanks	Thank you for your comments. The Council can only designate Conservation Areas within the local authority's planning area, which is Mid Devon district.
Individual Page 264	We understand a meeting will be held on July 3 to discuss the above proposal. 1. We wish to protest, once again, to the Proposal to develop the land around Tidcombe Hall for building — for environmental and other reasons previously listed. 2. We also object most strongly to the additional scheme to remove the conservation status of Snakes Wood. This would threaten yet more desecration of the area along the south bank of the canal, and spoil its unique appeal for so many people who enjoy the peace and beauty of the area. Please oppose these disastrous proposals and defend the beauty of this area. Thank you.	Thank you for your comments. The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest. The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal. Snakes Wood does not form part of the canal's special historic and architectural interest. However, it is designated as an area of Ancient Woodland and also a County Wildlife Site. The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported

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		<p>through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 265</p>	<p>I write following the public meeting last Monday concerning the Grand Western Canal conservation area review. On the whole the review seems extensive and relevant, but I believe I am not alone in my concern regarding the removal of protection of the two fields to the East of Tidcombe Hall and the area of woodland before Manley Bridge. We were told at the meeting that the ecological importance of the fields and woodland is not of interest in this review as it is purely historical/archeological. However the protection was previously put in place so must have been relevant at some point and as nothing has changed it should still be so.</p> <p>As a local person who has lived near to the canal for most of my life, I feel the area needs protecting for its natural significance as a calm and quiet place where people can be close to nature away from the pressures of modern day life. The woodland near to Manley bridge especially gives this calm for many people with the sound of the stream running through and the bird song and abundance of bird life.</p> <p>Surely conservation along the length of the canal should incorporate ecology, as the history and archaeology are dependent on the canal being maintained.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

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<p>Page 266</p>	<p>Individual I and family and friends have gone on the barge pulled by horse on quite a number of occasions. It's always different (plants / wildlife) and I don't want a thing be touched - why mess with perfect?</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>We should not be building near the canal. To. Build by the old Mari curie site is disgrace. Why not have it as holiday hotel that hosts weddings.we lack. I vision .it's like oh let's. Build houses there absolutely not.will you listen to the l People of Tiverton that is the question</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or</p>

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		<p>historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 267</p>	<p>Dear Councillor Steve Keable,</p> <p>I am writing to express my strong objection to the proposed removal of a significant portion of our wonderful beauty spot and a unique tourist attraction from its conservation status. This area is vital for the ecological balance and natural beauty of Mid Devon. It generates much needed income for the town through tourism.</p> <p>The Horse Drawn Barge Company celebrating its 50 year history depends on this area crucially for its operation. Living here for more than 50 years myself we have taken visitors from Canada and Ireland to share this unique attraction.</p> <p>The proposed changes also seem to facilitate development of Tidcombe Hall which myself and others living in the vicinity strongly object to.</p> <p>I respectfully urge you to take decisive action to prevent any reduction of this conservation area and our heritage.</p> <p>Yours sincerely</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance</p>

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		habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 268</p>	<p>I would like to raise my objection to the proposed changes to the protected areas along the grand western canal.</p> <p>The canal is one of the main attractions of the Mid Devon area and probably the biggest in Tiverton. The canal itself is fantastic for the countryside that it runs through, and the wildlife that it hosts.</p> <p>I believe that reducing the protected areas of the canal will irreversibly change the characteristics of the wildlife and the general experience of the canal.</p> <p>Furthermore, the areas that are proposed, do not have the necessary infrastructure links to them, meaning that the impacts to the local area relating to traffic, utilities and other necessary infrastructures will be over stretched.</p> <p>Please note my objection.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual	<p>Dear Sir/ Madam</p> <p>I wish to raise my objection to any reduction of the conservation area.</p> <p>I am Particularly concerned with any woods being taken out and any removal of land that run perpendicular to the canal that would make development easier and more likely. With the Eastern urban extension there are less and less places for the people of Tiverton to go without the threat of future development.</p> <p>The areas of land perpendicular to the canal need to remain in the conservation area in order to conserve the present environment. We do not need to see more housing. The people of Tiverton have</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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	<p>already given up much free space for development and all we ask is you maintain and protect the canal environs.</p> <p>The area of Tidcombe Hall must be protected, and forgive me if I am cynical about the statement that there is no connection between development proposals and the removal of this protection. How the removal of the protection will enhance the canal is frankly beyond me.</p> <p>Given the damage to bio diversity which is well known the idea of removing protections from woodland is counter intuitive. I note there is a petition of over 2000 signatures against these proposals and I hope the weight of feeling will lead to the complete rejection of the current plan.</p>	<p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual Page 269</p>	<p>Through local active community groups I have been made aware of the upcoming consultations on the future of the grand western canal.</p> <p>Firstly, it is extremely poor that you only have the plans etc available to see tomorrow afternoon when the majority of people, including myself, will be at work. This should be extended into the evening for such an important event.</p> <p>Our canal is one of the most unique assets Tiverton has. The tourism alone will bring much to the town with spending at the canal but also local hotels and other accommodation, pub's restaurants etc to support the tourists.</p> <p>It is also used by the local people for many social and exercise activities. During lock down it was so busy as people used it to have their exercise, supporting positive mental health, social time as far as it could be then.</p>	<p>Thank you for your comments.</p> <p>The public consultation has involved two 'drop -in' events where members of the public have been able to find out more about the Grand Western Canal Conservation Area Appraisal and Management Plan, and discuss the proposals with the Council's officers. The second public drop on 5th September was held between 5 pm and 7 pm specifically to provide an opportunity for people to attend during the evening. Information about the consultation, including the Grand Western Canal Conservation Area Appraisal and Management Plan, a technical note and frequently asked questions has remained published and available for inspection on the Council's website.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and</p>

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<p>Page 270</p>	<p>You simply must preserve its future against any building or other interference. It is a safe haven for so much wildlife, used regularly by walkers, joggers, dog owners, cyclists etc. once this has gone - it's gone forever. Our quality of life for many residents would be severely impacted if there are these proposed conservation changes and building works. There is enough housing going up already with very minimal additional infrastructure such as a new High School!</p> <p>In these times of financial uncertainty and difficulties for many families, a visit to the canal is free/minimal costs to explore, exercise, discover and discuss. I implore you to consider the quality of life of your local community and the serious impact for our already limited wildlife.</p> <p>If I could attend tomorrow afternoon I would.</p> <p>Do not let us down.</p>	<p>guidance, and it is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>
<p>Individual</p>	<p>Please add my following comment to this public consultation.</p> <p>This immensely valuable environmental amenity, and the major tourist attraction for Tiverton, must remain fully protected for future generations to enjoy. There should be absolutely no reduction to the conservation area whatsoever. If anything, it should be increased, to protect the south bank of the canal from housing, concrete and tarmac, which would likely lead to catastrophic flooding in the Glebelands and Tidcombe area, as the severity of our Winter storms increase, as forecasted. The new government plans to build on the green belt. Therefore maintaining full conservation status for this whole area is a vital responsibility of our council.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal's special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>

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Individual / Organisation	Comment	Action/Response
Individual	<p>As a local resident, I strongly object to the removal of areas in the new draft plan.</p> <p>Please can this be registered or more information sent as to what other information I need to include to raise my objection to the new plans?</p> <p>Many thanks</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p>
Individual	<p>Dear Councillor,</p> <p>I hope this message finds you well. I am writing to let you know my strong objection to the proposed removal of a significant portion of our cherished beauty spot and tourist attraction from its current conservation status. This area not only contributes immensely to the natural beauty and ecological balance of Mid Devon but also brings crucial revenue to our town through tourism.</p> <p>The preservation of this area is of paramount importance, particularly for the 50-year-old Horse-Drawn Barge Company that operates within it. This historic company is a vital part of our local heritage and a key visitor attraction. The proposed changes also seem to align with the development plans for Tidcombe Hall, which I, along with many others in our community, strongly oppose.</p>	<p>Thank you for your comments.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is a technical exercise that follows the relevant legislation and guidance. It is specifically in relation to the canal’s special historic and architectural interest. A conservation area is designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation is not devalued through the designation of areas that lack special interest.</p> <p>The preparation of the Grand Western Canal Conservation Area Appraisal and Management Plan is not about the potential development of land or determination of planning proposals for development in the vicinity of the canal.</p> <p>The Council recognises the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. However, these matters are not relevant to the designation of the conservation area in terms of its special historic or architectural interest. These matters are supported</p>

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Appendix 2 GWC CAAMP Consultation Responses

Individual / Organisation	Comment	Action/Response
<p>Page 272</p>	<p>As the Cabinet Member for Planning and Economic Regeneration, you have acknowledged the value of the canal, stating:</p> <p>“The canal is a real asset to Mid Devon, to those who live here and those who come from miles around to enjoy its beauty. We know, therefore, it’s important we have a robust plan to protect the area and preserve its unique setting, and we want the public to be part of that plan.”</p> <p>In light of your statement, it is imperative that any plans to reduce the conservation area be halted immediately. Preserving the integrity of this area is essential to maintaining its unique setting and ensuring that future generations can continue to enjoy its beauty and historical significance.</p> <p>I urge you to take decisive action to prevent any reduction in the conservation area. Ensuring its protection will reflect the genuine commitment to safeguarding our environment and heritage, which is fundamental to the identity and prosperity of Mid Devon.</p> <p>Thank you for your attention to this critical matter. I look forward to your positive response and swift action to protect our valuable conservation area.</p> <p>Yours sincerely,</p>	<p>through other work of the Council as a local planning authority and the promotion of Mid Devon as a visitor destination, and through Devon County Council’s management of the canal as a Country Park. Species and habitats are legally protected. This includes through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal is a designated County Wildlife Site and also a designated Local Nature Reserve and Country Park.</p>

Report for: Cabinet

Date of Meeting:	12 November 2024
Subject:	Treasury Management Strategy Mid-Year Review Report 2024/25
Cabinet Member:	Cllr James Buczkowski, Cabinet Member for Governance, Finance & Risk
Responsible Officer:	Andrew Jarrett, Deputy Chief Executive (S151)
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix A – Economic Commentary from our Treasury Advisors (Link Group)

Section 1 – Summary and Recommendation(s)

To inform the Cabinet of the treasury performance during the first six months of 2024/25, to agree the ongoing deposit strategy for the remainder of 2024/25 and a review of compliance with Treasury and Prudential Limits for 2024/25.

Recommendation(s):

- 1. The Cabinet are asked to recommend to Council approval of:**
 - a) A continuation of the current policy outlined at paragraphs 4.0 – 4.5 be agreed; and**
 - b) The changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current financial year at paragraphs 5.4 – 5.5.**

Section 2 – Report

1.0 Introduction

- 1.1 CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update on treasury performance. This report updates Members on the treasury performance over the first six months of 2024/25, but also seeks approval for the ongoing deposit strategy.

2.0 Treasury Performance 01/04/2024 to 30/09/2024

2.1 The table below shows the Council's overall treasury management position for the first six months of 2024/25.

Treasury Position	Average Interest	Total Interest as at 30/09/2024	Forecast Year-End Position
Temporary Investments and Deposits	5.34%	£530k	£966k
CCLA Dividends	4.69%	£117k	£240k
Loans to Redlands Primary Care*	3.72%	£39k	£78k
Total		£686k	£1,284k
Split Between:			
General Fund		£473k	£864k
Housing Revenue Account		£213k	£420k

*The Council made two loans in 2021 totalling £2.175m towards the construction of a new GP surgery in Crediton.

2.2 The General Fund 2024/25 budget for all investment activity is £1,021k and for the Housing Revenue Account is £574k.

3.0 Economic Update

3.1 The Council's treasury advisor, Link Group, provided the following forecasts on 28 May 2024 (PWLB rates are certainty rates, gilt yields plus 80bps):

Link Group Interest Rate View	28.05.24									
	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27
BANK RATE	4.50	4.00	3.50	3.25	3.25	3.25	3.25	3.00	3.00	3.00
3 month ave earnings	4.50	4.00	3.50	3.30	3.30	3.30	3.30	3.00	3.00	3.00
6 month ave earnings	4.40	3.90	3.50	3.30	3.30	3.30	3.30	3.10	3.10	3.20
12 month ave earnings	4.30	3.80	3.50	3.40	3.40	3.40	3.40	3.20	3.30	3.40
5 yr PWLB	4.50	4.30	4.10	4.00	3.90	3.90	3.90	3.90	3.90	3.80
10 yr PWLB	4.60	4.40	4.30	4.10	4.10	4.10	4.00	4.00	4.00	3.90
25 yr PWLB	5.00	4.80	4.70	4.50	4.50	4.40	4.40	4.40	4.30	4.30
50 yr PWLB	4.80	4.60	4.50	4.30	4.30	4.20	4.20	4.20	4.10	4.10

3.2 Bank Rate peaked at 5.25% in August 2023, before the Bank of England initiated its loosening cycle in August 2024 by cutting rates to 5.00%. At the Monetary Policy Committee meeting in September, the Bank opted to hold rates at 5.00%, however markets are forecasting a further cut to 4.75% in November 2024.

3.3 Please refer to Appendix 1 for the economic commentary provided by the Council's treasury advisors (Link Group).

4.0 Investment Portfolio

4.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite (SLY Principle).

4.2 The Council's investment portfolio as at 30 September 2024 was made up of short term investments/deposits to the value of £19.63m, comprising of £18.00m in fixed term investments and £1.63m in NatWest call accounts. In addition to this, the Council also holds £5.00m in the CCLA commercial property fund.

4.3 Short term investments/deposits held as at 30 September 2024 are as follows:

Institution	Principal (£)	Rate	Start Date	Maturity Date
Uttlesford District Council	5,000,000	5.35%	07/05/2024	07/11/2024
Eastleigh Borough Council	4,000,000	5.35%	28/05/2024	23/01/2025
NBK International PLC	2,000,000	5.05%	08/08/2024	08/11/2024
London Borough of Waltham Forest	3,000,000	4.85%	03/09/2024	03/06/2025
DMO	4,000,000	4.94%	27/09/2024	07/10/2024

4.4 The Council received an average return of 5.34% on investments during the first six months of 2024/25, up from 4.90% at the same point in the previous year. Interest rates on offer had started to reduce before the start of 2024/25, as markets began to price in potential cuts to Bank Rate. Therefore, returns during the first half of this year were strengthened slightly by maturing investments made in late 2023/24 and early 2024/25, with typical interest rates having dipped below 5% by September 2024. Performance is expected to reduce slightly in the second half of 2024/25 as interest rates continue to decrease.

4.5 The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) Local Authorities' Property Fund, which pays dividends quarterly. For the first two quarters of 2024/25, dividends of £117k (4.69%) were received, up slightly from £116k (4.63%) for the same period in 2023/24. There has been a small decrease in fund value of £16k during the first half of 2024/25, with the Council's share in the fund now valued at £4.442m.

5.0 Borrowing Requirements and Prudential Indicators

5.1 The Council has no short-term borrowing but has existing PWLB loans of £30.393m as at 30 September 2024, in addition to £3.610m in finance leases.

5.2 The Council's revised capital financing requirement (CFR) for 2024/25 is £63.359m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 5.6 shows the Council has forecast borrowings at 31 March 2025 of £39.497m, and so will have utilised £23.862m of cash flow funds in lieu of borrowing to finance the CFR of £63.359m shown in table 5.5.

5.3 There has so far been no new borrowing in 2024/25, however it is possible that new borrowing of up to £6.000m will be required before the end of the financial year to help fund the capital programme. This is a reduction in the level of new borrowing forecast at the start of the year, which originally stood at £7.800m, and is mainly due to slippage in the Capital Programme.

5.4 The Treasury Management Strategy Statement (TMSS) for 2024/25 was approved by Council on 21 February 2024. The underlying TMSS approved previously requires

revision in light of a revised deliverable Capital Programme for 2024/25. The proposed changes are set out below:

Prudential Indicator 2024/25	Original £000	Q1 Updated Forecast £000	Revised Prudential Indicator £000
Authorised Limit	75,000	76,000	73,000
Operational Boundary	66,000	67,000	64,000
Capital Financing Requirement	65,606	66,660	63,359

5.5 The table below shows a breakdown of the revised CFR.

Prudential Indicator – Capital Financing Requirement	2024/25 Original Estimate £000	Q1 Updated Forecast £000	2024/25 Revised Estimate £000
CFR – Non Housing	18,657	18,949	15,876
CFR – Housing	46,949	47,711	47,483
Total CFR	65,606	66,660	63,359
Net movement in CFR*	15,721	4,426	1,125

**In-year movement calculated against 2023/24 CFR (estimated at £49,885k when the original 2024/25 estimate was calculated, now known to be £62,234k – 2023/24 Treasury Outturn).*

5.6 The table below shows the expected debt position at 31 March 2025, which determines the Operational Boundary and Authorised Limit shown in 5.4 above.

Prudential Indicator – External Debt	2024/25 Original Estimate £000	2024/25 Revised Estimate £000
Borrowing	37,198	35,398
Other Long Term Liabilities*	3,981	4,099
Total Debt (Year End Position)	41,179	39,497

** Includes finance leases*

6.0 Annual Investment Strategy

6.1 Any fixed term investments in the market place (except Debt Management Office [DMO]) are restricted to a maximum term of two years (previously one year). The Council's substantial commitments (particularly the monthly precepts to Devon County Council, the Police and Fire Authority) constrain the term of investments. The Cabinet of 7 February 2019 resolved to diversify the investment portfolio to include non-UK banks with a minimum Sovereign Fitch rating of AAA (highest possible rating).

6.2 The Council will continue to have regard to the Ministry of Housing, Communities and Local Government's Guidance on Local Government Investments ("the Guidance") issued in April 2018 (3rd Edition) and CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

7.0 Lending Criteria and Counterparty Limits

- 7.1 The current policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than two years and where the counterparty is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending limit to any group counterparty is £5m. The policy includes investments with CCLA property fund and money market funds with a limit of £2m on this option. Note that delegation was provided to the S151 officer and Finance Portfolio Holder in 2011/12 to make reactive decisions when market conditions changed due to volatility in rating changes when our own bankers, NatWest, were downgraded, along with other part nationalised banks. We do not invest any term deposits with the Royal Bank of Scotland Group and only have our call accounts with them.
- 7.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.
- 7.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with NatWest (the Council's banker) to sweep any small surplus funds which cannot be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level, plus the balance of any grant fund.
- 7.4 The Council will also continue to lend to:
- Local Authorities, Police, Fire & Rescue, Parish Councils and other Public Bodies
 - UK Government (including gilts, Treasury Bills and the DMADF)
 - Other Bodies.
- 7.5 The investments that can be made to the organisations stated in paragraph 7.4 will not be constrained to a maximum deposit of £5m due to their lower level of risk. However, other bodies have a monetary limit of £3m.

8.0 Conclusion

- 8.1 The first half-year performance has seen a marginal improvement on 2023/24 in most areas, however the overall treasury management position has been hit by the loss of interest from 3 Rivers Developments Ltd following the soft closure of the company at the end of 2023/24. A slight decrease in performance is expected through the second half of the year as interest rates on temporary investments and deposits continue to decline. The Council's investment in the CCLA property fund has remained relatively stable and returns should be unaffected by reducing interest rates.
- 8.2 This report was prepared using advice and narrative provided prior to the Autumn Budget on 30 October 2024. Whilst the Budget doesn't appear to have a direct impact on the contents of this report, economic conditions will be monitored as financial markets react to the new policies.

Financial Implications: Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with minimum risk to the principal sums invested.

Legal Implications: The Council is under a statutory duty to "have regard" to the 2011 CIPFA Treasury Management Code of Practice. The Council's own Financial Regulations include requirements as to the reporting of treasury management information.

Risk Assessment: The Council considers deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions will always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to an acceptable level.

Impact on Climate Change: There are no Climate Change implications relating to the content of this report.

Equality Impact Assessment: It is considered that the impact of this report on equality related issues will be nil.

Relationship to Corporate Plan: Maximising investment return whilst minimising risk of credit default enables the Council to finance the delivery of its Corporate Plan objectives.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 01/11/2024

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 01/11/2024

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 01/11/2024

Performance and risk: Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 01/11/2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Kieran Knowles, Operations Manager for Financial Services

Email: kknowles@middevon.gov.uk

Telephone: 01884 24(4624)

Background papers: Treasury Management Strategy Statement 2024/25 (Council 21/02/2024)

Appendix 1

1.0 Economic Commentary from our Treasury Advisors (Link Group)

1.1 The second quarter of 2024/25 saw:

- GDP growth stagnating in July following downwardly revised Q2 figures (0.5% q/q)
- A further easing in wage growth as the headline 3myy rate (including bonuses) fell from 4.6% in June to 4.0% in July;
- CPI inflation hitting its target in June before edging above it to 2.2% in July and August;
- Core CPI inflation increasing from 3.3% in July to 3.6% in August;
- The Bank of England initiating its easing cycle by lowering interest rates from 5.25% to 5.0% in August and holding them steady in its September meeting;
- 10-year gilt yields falling to 4.0% in September.

1.2 The economy's stagnation in June and July points more to a mild slowdown in GDP growth than a sudden drop back into a recession. Moreover, the drop in September's composite activity Purchasing Managers Index, from 53.8 in August to 52.9, was still consistent with GDP growth of 0.3%-0.4% for the summer months. This is in line with the Bank of England's view, and it was encouraging that an improvement in manufacturing output growth could be detected, whilst the services PMI balance suggests non-retail services output grew by 0.5% q/q in Q3. Additionally, the services PMI future activity balance showed an uptick in September, although readings after the Chancellor's announcements at the Budget on 30th October will be more meaningful.

1.3 The 1.0% m/m jump in retail sales in August was stronger than the consensus forecast for a 0.4% m/m increase. The rise was reasonably broad based, with six of the seven main sub sectors recording monthly increases, though the biggest gains came from clothing stores and supermarkets, which the ONS reported was driven by the warmer-than-usual weather and end of season sales. As a result, some of that strength is probably temporary.

1.4 The government's plans to raise public spending by around £16bn a year (0.6% GDP) have caused concerns that a big rise in taxes will be announced in the Budget, which could weaken GDP growth in the medium-term. However, if taxes are raised in line with spending (i.e., by £16bn) that would mean the overall stance of fiscal policy would be similar to the previous government's plan to reduce the budget deficit. Additionally, rises in public spending tend to boost GDP by more than increases in taxes reduce it. Our colleagues at Capital Economics suggest GDP growth will hit 1.2% in 2024 before reaching 1.5% for both 2025 and 2026.

1.5 The further easing in wage growth will be welcomed by the Bank of England as a sign that labour market conditions are continuing to cool. The 3myy growth rate of average earnings fell from 4.6% in June to 4.0% in July. On a three-month annualised basis, average earnings growth eased from 3.0% to 1.8%, its lowest rate since December 2023. Excluding bonuses, the 3myy rate fell from 5.4% to 5.1%.

- 1.6 Other labour market indicators also point to a further loosening in the labour market. The 59,000 fall in the alternative PAYE measure of the number of employees in August marked the fourth fall in the past five months. And the 77,000 decline in the three months to August was the biggest drop since November 2020. Moreover, the number of workforce jobs fell by 28,000 in Q2. The downward trend in job vacancies continued too. The number of job vacancies fell from 872,000 in the three months to July to 857,000 in the three months to August. That leaves it 34% below its peak in May 2022, and just 5% above its pre-pandemic level. Nonetheless, the Bank of England is still more concerned about the inflationary influence of the labour market rather than the risk of a major slowdown in labour market activity.
- 1.7 CPI inflation stayed at 2.2% in August, but services inflation rose from a two-year low of 5.2% in July to 5.6%, significantly above its long-run average of 3.5%. Food and fuel price inflation exerted some downward pressure on CPI inflation, but these were offset by the upward effects from rising furniture/household equipment inflation, recreation/culture inflation and a surprisingly large rise in airfares inflation from -10.4% in July to +11.9% in August. As a result, core inflation crept back up from 3.3% to 3.6%. CPI inflation is also expected to rise in the coming months, potentially reaching 2.9% in November, before declining to around 2.0% by mid-2025.
- 1.8 The Bank initiated its loosening cycle in August with a 25bps rate cut, lowering rates from 5.25% to 5.0%. In its September meeting, the Bank, resembling the ECB more than the Fed, opted to hold rates steady at 5.0%, signalling a preference for a more gradual approach to rate cuts. Notably, one Monetary Policy Committee (MPC) member (Swati Dhingra) voted for a consecutive 25bps cut, while four members swung back to voting to leave rates unchanged. That meant the slim 5-4 vote in favour of a cut in August shifted to a solid 8-1 vote in favour of no change.
- 1.9 Looking ahead, CPI inflation will likely rise in the coming months before it falls back to its target of 2.0% in mid-2025. The increasing uncertainties of the Middle East may also exert an upward pressure on inflation, with oil prices rising in the aftermath of Iran's missile attack on Israel on 1 October. China's recent outpouring of new fiscal support measures in the latter stages of September has also added to the upshift in broader commodity prices, which, in turn, may impact on global inflation levels and thus monetary policy decisions. Despite these recent developments, our central forecast is still for rates to fall to 4.5% by the end of 2024 with further cuts likely throughout 2025. This is in line with market expectations, however, although a November rate cut still looks likely, December may be more problematic for the Bank if CPI inflation spikes towards 3%. In the second half of 2025, though, we think a more marked easing in inflation will prompt the Bank to speed up, resulting in rates eventually reaching 3.0%, rather than the 3.25-3.50% currently priced in by financial markets.
- 1.10 Our forecast is next due to be updated around mid-November following the 30 October Budget, 5 November US presidential election and the 7 November MPC meeting and the release of the Bank of England Quarterly Monetary Policy Report.
- 1.11 Looking at gilt movements in the first half of 2024/25, and you will note the 10-year gilt yield declined from 4.32% in May to 4.02% in August as the Bank's August rate cut signalled the start of its loosening cycle. Following the decision to hold the Bank

Rate at 5.0% in September, the market response was muted, with the 10-year yield rising by only 5bps after the announcement. This likely reflected the fact that money markets had priced in a 25% chance of a rate cut prior to the meeting. The yield had already increased by about 10bps in the days leading up to the meeting, driven in part by the Fed's "hawkish cut" on 18 September. There is a possibility that gilt yields will rise near-term as UK policymakers remain cautious due to persistent inflation concerns, before declining in the longer term as rates fall to 3.0%.

1.12 The FTSE 100 reached a peak of 8,380 in the third quarter of 2024, but its performance is firmly in the shade of the US S&P500, which has breached the 5,700 threshold on several occasions recently. Its progress, however, may pause for the time being whilst investors wait to see who is elected the next US President, and how events in the Middle East (and Ukraine) unfold. The catalyst for any further rally (or not) is likely to be the degree of investors' faith in AI.

1.13 MPC meetings: 9 May, 20 June, 1 August, 19 September 2024

- On 9 May, the Bank of England's Monetary Policy Committee (MPC) voted 7-2 to keep Bank Rate at 5.25%. This outcome was repeated on 20th June.
- However, by the time of the August meeting, there was a 5-4 vote in place for rates to be cut by 25bps to 5%. However, subsequent speeches from MPC members have supported Governor Bailey's tone with its emphasis on "gradual" reductions over time.
- Markets thought there may be an outside chance of a further Bank Rate reduction in September, following the 50bps cut by the FOMC, but this came to nothing.
- Nonetheless, November still looks most likely to be the next month to see a rate cut to 4.75% but, thereafter, inflation and employment data releases, as well as geo-political events, are likely to be the determinant for what happens in the remainder of 2024/25 and into 2025/26.

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Report for: Cabinet

Date of Meeting:	12 th November 2024
Subject:	Tax Base Calculation 2025/26
Cabinet Member:	Cllr James Buczkowski Cabinet Member for Governance, Finance & Risk
Responsible Officer:	Andrew Jarrett s151 & Deputy CEO
Exempt:	None
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendation(s)

This paper details the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

Recommendation(s): Cabinet recommend to Council:

- 1. That the calculation of the Council's Tax Base for 2025/26 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,732.91 an increase of circa 510.81 Band D equivalent properties from the previous financial year.**
- 2. That the current collection rate of 97.5% remain the same detailed in Section 2.**
- 3. Cabinet are asked to note the premium charges in 3.7 & 3.8. The premium element of 3.7 will be used to support additional housing activity/projects.**

Section 2 – Report

1.0 Introduction

- 1.1** Every year each billing authority is required to calculate and approve its Band 'D' Equivalent Council Tax base. For 2025/26 this technical calculation is as follows:

2.0 The Collection Rate calculation (A)

- 2.1 It is necessary to estimate a 'collection rate', which is the proportion of Council Tax due that will actually be paid. It is recommended that a collection rate of 97.5% be estimated for the year 2025/26, which remains the same as the previous year's collection rate.
- 2.2 Any variation from the collection rate of 97.5% is pooled in a collection fund, which is distributed in the next financial year to all Precepting Authorities.
- 3.0 Calculation of the relevant amount (B)**
- 3.1 **Number of Properties per Valuation Band.** The starting point will be the total number of properties within Mid Devon set out in the Valuation List.
- 3.2 **Less Exemptions.** Properties are exempt from Council Tax under certain circumstances. The calculated tax base uses the information currently held in deciding the level of exempt properties that are likely to apply for 2025/26.
- 3.3 **Add Appeals, new properties and deletions from the Valuation List.** The Valuation Officer has dealt with the vast majority of Council Tax appeals to date and so no further allowance is believed to be necessary at this time. At the **14 October 2024** we have estimated a net increase in properties within Mid Devon of **73** properties to go live on or before 1st April 2025 and a further **319** properties during the financial year, totalling **392**. This estimate is based on the current number of reports outstanding with the Valuation Officer.
- 3.4 **Disabled Allowance (move down a Band).** Where a disabled resident has made alterations to their property to help with their disability or they use a wheelchair internally at the premises, the property is entitled to a reduction and which is applied by charging the property to the next lowest band to its current banding. Existing Band A properties are also entitled to a reduction by reducing the banding from 6/9ths charge down to 5/9ths charge.
- 3.5 **Less 25% Discounts - Single Persons Discounts.** If only one (adult) person lives in the dwelling as their "sole & main residence" then a discount of 25% is allowed.
- 3.6 **Less 50% discount.** A discount of 50% is allowed where two or more persons who can be disregarded for Council Tax purposes occupy the property, e.g. care workers.
- 3.7 **Second homes.** From 1st April 2025, second homes will pay a 100% council tax premium, as agreed 21 February 2024 at Full Council.
- 3.8 **Long Term Empties.** After a three month free period no further discount is allowed; and empty dwellings that remain empty after one year attract a premium, as agreed 21 February 2024 at Full Council.
- 3.8.1 If a property remains empty of furniture and residents for one year or more, the Council is allowed to apply an additional 100% premium to the Council tax

charge, so the Charge payer will have to pay 200% of the Council Tax charge. With effect from the 1st April 2020 a premium of 200% can be levied so the Charge payer will have to pay 300% of the Council Tax after a period of five years and with effect from the 1st April 2021 a premium of 300% can be levied so the Charge payer will have to pay 400% of the Council Tax. The Regulations detailing the additional premium are Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 as amended.

With effect from 1st April 2019 an additional 100% premium after 2 years
With effect from 1st April 2020 an additional 200% premium after 5 years
With effect from 1st April 2021 an additional 300% premium after 10 years
With effect from 1st April 2024 an additional 100% premium after 1 year

4.0 Estimated cost of the Council Tax Reduction Scheme (CTR)

- 4.1 Before we convert the properties to Net Band D equivalents we must reduce the total properties by the estimated cost of the Council Tax Reduction (CTR) Scheme
- 4.2 The criteria for the CTR scheme is that those claimant's in the lowest income band do not have to pay anything; thereafter the percentage payable ranges from 35% to 75% of the charge (with the exception of those protected by legislation namely pensioners in receipt of guaranteed pension credit).
- 4.3 The main criteria of the scheme are:
- Support is increased up to 100% i.e. those claimants who are least able to pay due to the current financial crisis.
 - Support is restricted to Band D charges so claimants in a higher banded property will receive CTR up to 100% of a band D and be required to pay the balance of the additional banding in full.
 - Savings limited to £6,000.
 - Changes were made to the CTRS in April 2017 to align it with Universal Credit.
- 4.4 For your information Mid Devon's CTR scheme for 2025/26, is estimated to cost in the region of **£4.905m**, based on the scheme criteria.
- 4.5 CTR has been included within the tax base calculation and applied to each band and parish individually then a band D equivalent calculation has been used to arrive at a final figure.
- 4.6 The cost of the CTR scheme must be reflected in the Tax Base calculation so the following calculation is carried out for each valuation band to arrive at the net chargeable Dwellings:

Calculation of the Relevant Amount

	2024/25	2025/26
Number of properties per valuation list	37,894.00	38,466.00
Exemptions	-604.00	-672.00
Single occupiers and 25% disregards	-3,049.25	-3,099.50
50% discount	-41.00	-50.00
Empty property 50% exempt	-30.00	-32.50
Empty property 100% exempt	-238.00	-222.00
Additional long term empty at 100%	+86.00	+268.00
Additional long term empty at 200%	+48.00	+60.00
Additional long term empty at 300%	+69.00	+69.00
Family Annexe Discount	-25.00	-27.50
Chargeable dwellings before conversion to Band D equivalent	34,109.75	34,759.50
Additional net new properties	+429.40	+392.00
*Local council tax support adjustment and local discounts	+173.00	+166.50
Chargeable dwellings after growth and before conversion to Band D equivalent	34,712.15	35,318.00

*Adjustment reflects part year support only and additional premiums charged.

Conversion to Band D equivalents

- 4.7 The net chargeable dwellings are then converted to Band D equivalents. This is carried out by multiplying the Net chargeable dwellings by the appropriate factor (A=6, B=7, C=8, D=9, E=11, F=13, G=15, H=18) for the band and dividing by that for Band D (9). The Table below details the Net Chargeable Dwellings converted to Band D equivalents.
- 4.8 The calculation shows the estimated annual cost of the CTR scheme, shown as the number of Band D equivalents. For the 2025/26 year this is estimated as 2,136.77 Band D equivalent properties.
- 4.9 The Tax Base is finally calculated by applying the collection rate to the total Band D equivalents when summarised below for the 2025/26 financial year.
- 4.10 An @ band dwelling is a band A property with a disabled banding reduction applied:

Band	Chargeable Dwellings	Multiplier	Band D equivalent properties	Less CTR properties	Revised properties
@	8.50	5/9	4.73	2.73	2.00
A	5,513.95	6/9	3,676.01	845.64	2,830.37
B	8,474.45	7/9	6,591.24	695.88	5,895.36
C	6,840.90	8/9	6,080.80	321.07	5,759.73
D	6,281.05	9/9	6,281.05	158.73	6,122.32
E	4,740.75	11/9	5,794.23	71.55	5,722.68
F	2,486.65	13/9	3,591.84	33.26	3,558.58
G	917.25	15/9	1,528.78	6.85	1,521.93
H	54.50	18/9	109.00	1.06	107.94
	35,318.00		33,657.68	2,136.77	31,520.91

4.11 To clarify, the table detailing the **Calculation of the Relevant Amount** is based on actual properties and the final calculation above is based on a Band D equivalent of actual properties.

5.0 Assumptions

5.1 In line with current Council Tax Referendum limits the impact of any changes to the assumptions used in the calculations are shown below:

Variable Assumption	Assumption	Change	Impact on dwellings*
Collection rate	97.5%	+0.5%	157.61
Growth	20% of 1595 properties with planning permission	+1%	14.51

*If both changes above were adopted, this would result in an increase to the budget of circa £41k.

6.0 Calculation of the Tax Base

6.1 Based on the above detailed calculations in accordance with SI 2914 of 2012 the Tax Base is to be calculated as: Total relevant amounts (A) **31,520.91** multiplied by the estimated collection rate (B) (97.5%)

6.2 Mid Devon District Council's Council Tax Base for 2025/26 will be **30,732.91**. N.B. This figure is calculated by applying the estimated collection rate to the total relevant amount for each parish individually, so could differ slightly when compared to the estimated collection rate being applied to the total shown in 6.1 above.

Financial Implications

Mid Devon District Council is a Statutory Billing Authority and must set its Council Tax each year. If it were not to set a Council Tax then the Authority and all Precepting Authorities would be unable to raise money to pay for all the services they provide.

Consideration has been made with regards to the autumn statement announcement on 30/10/2024. There are no implications on the Taxbase as detailed within this report.

Legal Implications

This is a statutory function and is a legal requirement. The Council must now set its budget annually using Council Tax information each year in accordance with The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012 calculating the relevant amount by applying the formula set out in the above regulations.

The autumn statement of 30/10/2024 has been considered and there are no legal implications on the taxbase as shown within this report.

Risk Assessment

If the Council fails to carry this duty out then the Council Tax cannot legally be set. In accordance with the LGF Act 2012 above and SI 2914 of 2012 The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012,

Impact on Climate Change

No implications arising from this report.

Equalities Impact Assessment

The Council Tax Base calculation includes a deduction for the Council Tax Reduction scheme within its Tax Base calculation.

Relationship to Corporate Plan

This report sets out how the Tax Base is calculated for 2025/26. This calculation is then used as a basis to set the Council's budget for the forthcoming year in line with the Council's Corporate Plan objectives.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 31 October 2024

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 31 October 2024

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 31 October 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 31 October 2024

Cabinet member notified: yes

Section 4 - Contact Details and Background Papers

Contact: Paul Deal - Corporate Manager for Finance, Property & Climate Change

Email: pdeal@middevon.gov.uk

Telephone: 01884 234254

Background papers: CTB1 and supporting documentation

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 28 October 2024
at 5.00 pm

Present

Councillors

L G J Kennedy (Chair)
G Westcott (Vice-Chair), D Broom,
E Buczkowski, A Cuddy, G Czapiewski,
M Farrell, B Holdman, L Knight, R Roberts
and S Robinson

Apology

Councillor

C Harrower

Also Present

Councillors

S J Clist and J Lock

Also Present

Officers:

Richard Marsh (Director of Place & Economy), Maria De
Leiburne (Director of Legal, People & Governance
(Monitoring Officer)), Simon Newcombe (Head of Housing
& Health), Matthew Page (Head of People, Performance &
Waste), James Hamblin (Operations Manager for People
Services), Laura Woon (Democratic Services Manager)
and David Parker (Democratic Services & Policy Research
Officer)

Councillors

Online

J Buczkowski, A Glover, S Keable, L Taylor and D Wulff

Officers Online

Dean Emery (Head of Revenues, Benefits and Leisure)
and Jason Ball (Climate and Sustainability Specialist)

35 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor C Harrower.

36 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

No interests were declared under this item.

37 PUBLIC QUESTION TIME

Paul Elstone:

Question 1

The report says there are 10 Anaerobic Digesters in Mid Devon. Accessing data from various sources not least Mid Devon District Council's own planning portal reveals there are just 6 of which only 4 are operational.

These are:

Menchine – Nomandsland
Red Linhay – Halberton,
Mount Stephen – Uffculme
Buttermoor - Loxbeare.

Non operational AD's are:

Willand,
Edgeworthy - Nomansland

Will the report be modified accordingly?

Question 2

Of those 6 AD's 3 can be considered as industrial in size
Menchine, Red Linhay, and Willand. Will the report recognise this?

Question 3

The report says the 10 AD's have an installed generating capacity of 5.3 megawatts. Data shows that the installed capacity is far less being 2.95 megawatts.

Will the report be modified accordingly?

Question 4

Importantly and I emphasise, the total planning consent generating capacity of the operating AD's in Mid Devon is 1.25 megawatts.

OFGEM Data reveals that both Menchine and Red Linhay have been grossly non-compliant with planning conditions going back to 2017 and 2019 respectively. Information that has repeatedly been made available to this Council but which it has failed to enforce.

As a result towns and villages right across Mid Devon have been blighted by high numbers even convoys of very large agricultural tractors.

Will the report recognise this?

Question 5

The report very disappointingly says that it is unable to provide details on AD feedstock land usage, or is there any attempt is made to do so. Especially disappointing this given it was the remit for the report in the first place.

Data available shows and again taken from the MDDC Planning Portal shows the land usage is of the order of 1350 acres.

To validate this statement the Red Linhay AD planning condition says that the AD can use a land area of 288 hectares or 714 acres to provide its 8,925 tonnes of arable and grass feedstock or an average yield of 31 tonnes per hectare.

Will the report now recognise this?

Question 6

What is the total land area of the solar farms once again information available on the planning site?

As an example, the planning information shows that Langford Solar Farm covers 60.78 hectares or 150 acres and generates up to 49.9 megawatts.

Question 7

How many solar farms are there in Mid Devon and where are they, information that should be readily available on examining planning applications?

Question 8.

What is the total design electrical output from the solar farms again information available on the planning site?

Question 9

Is there not merit in this Council preparing its own spread sheet for easy reference rather than being reliant on third parties to provide the information and which is not necessarily complete or correct?

Question 10

Does this Council have a map showing the locations and land area of solar farms this like Devon CPRE?

Question 11

Where is the biomass plant located?

Question 12

What is its feedstock and what amount?

The Chairman explained that as some of the questions had not been provided in writing in advance of the meeting that written responses would be provided within ten working days.

Barry Warren:

In section 1 is a paragraph in italics which sets out what was asked for by Scrutiny Committee.

The report does not answer the questions posed by committee but refers to Government figures which may well be out of date. It makes great reference to a 2018 report, 6 years out of date and prepared for a project that is no longer relevant.

Question 1. Where in the report does it deal with the question as to the *quantity of sites* that are up to date for Mid Devon?

Question 2. Where in the report does it deal with the question as to *how much land was devoted to renewable energies?*

Paragraph 2.1 advises '*currently only occupy a small amount of land and significant potential exists for further development of new installations*'.

Question 3. How can such a statement be creditable when Committee cannot be advised of up to date information as to how many particular sites there are, their locations and areas of land used?

Not only is this information not available in the report as requested but the answers to questions in an earlier meeting also support the fact that MDDC do not know what is going on. Please see minutes of 23 January 2024 meeting of Planning, Environment & Sustainability PDG minute 47 where no detailed information was given in response to questions.

The current report lacks the information requested and if the Scrutiny Committee are giving attention to renewable energy and the impact on land and the amount of land used then the following questions may also assist.

Question 4. Why is there no reference to the use of BESS [Battery Energy Storage Systems] or SMR's [Small Modular Reactors]?

Virtually all planning applications for solar sites include the area of land to be used and the expected output. These details are in the application, approved plans and, where appropriate, conditions.

Question 5. Why has this information not been collated to give more information and relevance to the questions asked?

Virtually all planning applications for AD Plants include the areas of land to be used for the provision of feedstock and the expected output are given. Invariably locations and areas for the spreading of digestate are also approved. These details are in the approved plans and where appropriate conditions.

Question 6. Why has this information not been collated to give more information and relevance to the questions asked?

In Section 1 of the report the recommendation is that 'Members note the report.'

Question 7. How can Scrutiny Committee discharge its function by noting a report that does not answer the questions asked?

The Chairman explained that as the questions had not been provided in writing in advance of the meeting that written responses would be provided within ten working days.

38 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 9 September 2024 were **APPROVED** as a correct record and **SIGNED** by the Chair.

39 **CHAIR'S ANNOUNCEMENTS**

The Chair asked the Committee that when the item on Voids came up that Members avoided mentioning individual addresses.

40 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet on 15 October 2024 had been called in.

41 **WHISTLEBLOWING - SIX MONTH UPDATE**

The Committee received and **NOTED** a verbal update from the Head of People, Performance and Waste.

The following was highlighted in the update:

- There had been a whistleblowing incident in the early part of the year as mentioned in the officer's previous report to the Committee. That incident had been independently investigated and none of the allegations had been upheld.
- There had been no incidents of whistleblowing in the past six months.

42 **ESTABLISHMENT - SIX MONTH UPDATE**

The Committee had before it and **NOTED** a *report from the Head of People, Performance and Waste and the Operations Manager for People Services.

The following was highlighted within the report:

- There had been a fall in sickness absence. The 10.45 days sickness per full time employee were reflected in similar organisations across the country, however, in the current year that number was on target to reduce.
- There had been a fall in agency expenditure.
- Since the report had been published, the 2024/25 Pay Award had been accepted by the Unions and would be made, including back pay, in November 2024. So the threat of strike action had now disappeared.
- Training available to Council Employees.
- The current predictions for staff turnover, were on course.
- The Structure Charts were appended to the report.
- The reasons for leaving the Council varied across different service areas.

Discussion took place with regard to:

- Whether there were a relatively small number of long term sickness absence cases that significantly impacted the overall figures? Last year there had been an increase in both short term and long term absences but this year the Council had made significant reductions to this overall figure. The Council was in a similar position to other councils who were experiencing the same level of challenge. It was asked on how many occasions had managers spoken to individuals who had been sick for more than six days in a rolling twelve month period? The Operations Manager for People Services did not have that figure to hand but would look into it and report back (and in a way that would not compromise data protection and/or employee confidentiality).
- The number of employees accepting the offer of free flu jabs was approximately the same as last year. With regards to its effectiveness and ability to help reduce sickness absence the Head of People, Performance and Waste felt that the Council would have a better idea when the report came back to the Scrutiny Committee in February 2025 after some of the peak flu and infection season in autumn and winter of 2024/25 had taken place.
- The level of apprenticeships across the Council. Currently the Council had twenty people on some form of apprenticeship scheme (whether those were people joining the Council as an apprentice or who were an employee who was being upskilled). Next year there would be people joining Leisure Services as apprentices. The Council were committed to growing their own talent as a workforce strategy. Training was provided to support apprentices if they needed more help with english and maths.
- All service areas were impacted by staff turnover but this was in line with the challenge that other authorities were experiencing.
- As a result all service areas had recently reviewed and considered their business continuity plans and the impact would be looked at on a service by service basis
- All vacancies across the Council were looked at on a weekly basis to ensure resource was being effectively assigned and approved.
- The Council was in the process of finalising a system where similar authorities shared data in order that they could benchmark each other.

Note: *report previously circulated.

43 MID DEVON HOUSING VOIDS

The Committee had before it and **NOTED** a *report from the Head of Housing and Health.

The following was highlighted within the report:

- Voids Management Policy.
- Temporary Accommodation resulted in a higher turnover of housing stock due to the type of use which sometimes saw moves as often as weekly. The frequent turnover of voids inevitably would impact on the overall occupancy rate for performance reporting. Every time that there was a change in temporary dwelling, the housing team had to action all the standard checks. Sometimes, due to its nature temporary housing repairs were prioritised over other types of housing repairs.
- There were a high number of development voids as the Council was currently getting assistance from Homes England, those properties would be demolished soon and new, more energy efficient homes built on those sites. Once the properties were demolished they would make a noticeable difference to the overall performance data and would enable several development schemes to proceed.
- The Council continued to achieve a voids target of 97% occupancy of its stock. When a property became void, there were various matters to consider such as redevelopment, demolition or simply decoration. There was always a compromise between meeting the pressure of social housing demand and ensuring safe, well maintained homes that met legal standards.

Discussion took place with regard to:

- Delays in properties being let due to some properties requiring substantial work, extended legal delays due to care plans not being in place or probate.
- There were 28 properties listed for demolition out of the 3000 properties that Mid Devon Housing owned.
- A separate category for legal delays / challenging issues would not work as those areas cut across all existing categories. There was not a category for serviceable properties as they fell under the standard category.

Notes: *report previously circulated.
 Cllr D. Broom arrived at 17:53hrs.

44 SOLAR PANEL FARMS AND ANAEROBIC DIGESTERS - QUANTITY OF SITES AND LAND USE

The Committee had before it and **NOTED** a *report from the Director of Place and Economy.

The following was highlighted within the report:

- Circa 0.135 of land in mid Devon was in use to support renewable energies.
- Publically available data was taken from the [Department for Energy Security and Net Zero](#) (DESNZ).

Discussion took place with regard to:

- The target figure for land that was considered acceptable was already considered within the Council's existing Local Plan.

- There was a change in national guidance relating to on-shore wind farms.
- A discussion had to take place within the Council as to what types of renewables the Council most wished to support and there was an opportunity to confirm that in the new Local Plan. There was a concern not to take out of farming, productive agricultural land.
- Impacts upon road infrastructure particularly around anaerobic digesters where the network needed sufficient infrastructure to handle the traffic. Several of the renewable energy options had challenges around infrastructure including grid connections. The challenge was to find the right solution for the right place and carry that forward into planning policy.
- Public mood had changed, now people were more accepting of on-shore wind farms, and discontent had risen in relation to anaerobic digesters. Once solar arrays and wind turbines were in place they did not make as heavier demand on the local road network as anaerobic digesters did.
- As table 3 demonstrated, Mid Devon was the most “grid constrained” district amongst the four selected Devon authorities. What could be done to resolve the lack of grid capacity in Mid Devon? It was stated that infrastructure providers had woken up to the problem and were looking at how they could address the problem. The Council were doing what they could to be ready.

Note: *report previously circulated.

45 **PORTFOLIO PRESENTATION FROM THE CABINET MEMBER FOR HOUSING , ASSETS AND PROPERTY.**

The Committee received and **NOTED** a presentation from the Cabinet Member for Housing, Assets and Property Services.

The Cabinet Member thanked officers and the Mid Devon Housing Team for their dedication, professionalism, endeavours and achievements. He said “we punch above our weight and were regarded as an exemplar local authority and a national lead for our proactive approach. We should be proud”. He also thanked the Homes Policy Development Group for their hard work and efforts in bringing forward policy and continuing to establish working groups to facilitate that.

The Cabinet Member highlighted

- Moving away from flexible tenancies to secure tenancies and in so doing freeing up officer time to deal with other matters.
- The Council were aware of their duty to be fiscally responsible.
- The Council’s duty to provide safe, secure and affordable housing to families and individuals who were unable to access private housing.
- The Council had made a commitment to Net Zero.
- Mid Devon Homes (MDH) had eight objectives to try to strive for continuous improvement and were well on course to achieve those objectives.
- At a meeting the Cabinet Member had attended with the Housing Ombudsman, Mid Devon District Council officers were leading the meeting.
- The Council was accelerating new social /affordable housing projects.
- The modular homes plan was well underway with Shapland Place and St Andrews developments receiving a number of national awards.

- The greatest concern was getting those homes linked to utilities whose providers were slow to react.
- An aim was to encourage people to buy and stay in the area rather than leave at the age of 25 and return at the age of 55.
- Grant funding had been secured by officers who had a good relationship with Homes England.
- The quarterly updates to the Homes Policy Development Group were the best seen in five years.
- There had been huge strides in tenant engagement which had much improved from five years ago with social media and schemes like the “Best Kept Garden” a competition over seven different categories; a quarterly newsletter including advice and features such as a recipes page; “New Tenant” information packs, an “affordability wheel” to assist new tenants.
- The Cabinet Member mentioned, roadshows, Churches Housing Action Team (CHAT), Exeter Community Energy Project, Police engagement, six monthly estate walks and new environmental projects such as a small community orchard on old allotments at Uplowman and a possible community orchard at St Georges Court.
- MDH had received over 20 awards in the last year for development, net zero/modular homes/and in the prevention of damp and mould. The Council was a national lead and officers were invited abroad to liaise with other authorities on “the Council’s approach”.
- The Local Authority Housing Fund had been used towards the purchase of 12 properties for the use of those who would otherwise be homeless avoiding the funds being spent on bed and breakfast or hotel accommodation. This was helping to overcome homelessness pressures and meet the Council’s refugee legislation commitment.
- Those houses would become long term Council assets such as Belmont Road and St Pauls.
- Care leaver accommodation in dedicated units with the Housing Revenue Account new build programme, again showing Mid-Devon leading the way.
- New development accelerated new council housing delivery with high quality build and ultra-low running costs for tenants.

Challenges

- There was a generational change in the consumer regime with new consumer standards/ RSH inspection, which was like an Ofsted for Housing.
- The Housing Ombudsman was driving complaints but MDH were leading the way on complaints handling and using complaints to drive service change/continuous improvement.
- Utility Companies delays regarding new development. Unfortunately, the Council had no control or leverage.
- There were challenges in recruiting trades professionals, which had particularly been affected by the closure of Petroc building apprenticeships.
- The change in Central Government had meant that there was a lot of uncertainty around “Right to Buy” and affordable housing delivery support.
- Future pipeline of development – where would the land be coming from.
- Financial risk from “Claim Farming”, recently three claims for disrepair had been filed against the Council and all three had been defended successfully.

46 WORK PROGRAMME

The Committee had before it and **NOTED** *the Forward Plan and the *Scrutiny Committee Work Programme.

The following was highlighted:

- It was hoped that a briefing to the Scrutiny Committee would be given in February 2025 relating to the wider new housing regulatory framework around the consumers standards,
- The Destination Management Plan report had been moved to December 2024 so that it could include statistics arriving at the end of October and therefore would be more up to date,
- The title of the report on the impact of the Government's proposed changes to National Planning Policy on the Council's priorities and preparation of a new Local Plan had been changed to reflect that the new Government had already published its proposed changes to the National Planning Policy Framework and had consulted on these.

Discussion took place with regard to:

- The visit of South West Water awaited completion of the Water Cycle report which had now been commissioned and was expected early in the new year. It was **AGREED** to invite South West Water to the meeting of the Scrutiny Committee on 17 March 2025.
- The Air Quality Action Plan was going to the Community People and Equalities Policy Development Group on 2 December 2024, and to Cabinet on 7 January 2025.
- Ambulance response times and take up.

Note: *The Forward Plan and the *Scrutiny Committee Work Programme were previously circulated.

(The meeting ended at 7.05 pm)

CHAIR

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 25 November 2024 at 5.00 pm

**Present
Councillors**

G Westcott (Vice-Chair), D Broom,
E Buczkowski, A Cuddy, G Czapiewski,
M Farrell, C Harrower, L Knight, R Roberts
and S Robinson

**Apologies
Councillors**

L G J Kennedy and B Holdman

**Also Present
Councillors**

G Duchesne

**Also Present
Officers:**

Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer)

**Councillors
Online**

J Buczkowski, S J Clist, S Keable, J Lock, L Taylor,
J Wright and D Wulff

Officers Online

Andrew Jarrett (Deputy Chief Executive S151), Paul Deal (Head of Finance, Property and Climate Resilience), Simon Newcombe (Head of Housing and Health) and Tristan Peat (Forward Planning Team Leader)

47 APOLOGIES AND SUBSTITUTE MEMBERS (0:03:11)

Apologies were received from Councillors B Holdman and L Kennedy.

48 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:03:37)

No interests were declared under this item.

49 **PUBLIC QUESTION TIME (0:03:49)**

GOFF WELCHMAN (0:04:05)

Question 1:

When agenda item 6 is discussed, would this Committee now challenge the Cabinet's refusal to allow debate in Full Council of the canal conservation area petition when their action clearly breached the Council's own constitution on petitions appendix D and yet neither the Chair nor the Monitoring Officer identified that breach during the meeting.

Question 2:

Non compliance with conditions/planning obligations resulting in harm to residential amenity or non significant harm to trees is given medium priority. Under low priority it states non compliance with other conditions.

The scope of conditions that are therefore not going to be enforced are enormous.

Not all conditions are in place to protect either trees or residential amenity. What about those safeguarding the landscape, biodiversity, ensuring adequate drainage, appropriate lighting, road safety?

It is exactly the same with the change of use. It is only going to be enforced if residential amenity is impacted (or a tree). This is huge.

When debating the Enforcement Policy agenda item would this Committee fully review the position and request a redraft of the Policy as required. If not, why not?

The Chair explained that as the questions had not been provided in writing in advance of the meeting that a written response would be provided.

BARRY WARREN (0:06:17)

Statement: I have read the report and appendices for this item and can find no mention of information requests, or the people who make them.

The Council's "Complaints and Feedback Policy" was updated in March 2024 and included requests for information, in Section 10, under the heading *Unreasonable, unreasonably persistent, and vexatious complainants*.

I quote one sentence under this heading: "*The term complaint in this guidance also covers requests made under access to information law such as the Freedom of Information Act 2000 and the Data Protection Act 2018.*"

Classing requests for information as complaints means that statistics will be recorded and collated for these *Unreasonable, unreasonably persistent, and vexatious complainants* yet they do not appear in this report, or the attached appendices.

Question 1. How was such information collected and recorded?

Answer: The Council did not class requests for information under the Freedom of Information (FOI) Act as complaints. There were two distinct policies and processes that govern the way the Council deals with complaints and requests for information. The reference under the Complaints and Feedback policy alluded to guidance on the identification of unreasonable, unreasonably persistent, or vexatious contacts with the Council.

Under FOI the request and not the requestor would be deemed vexatious. The Council holds records of FOI requests for two years, and in this time we have not identified a request as vexatious. Therefore we hold no records for this.

Question 2. How was such information made available for public scrutiny?

Answer: As stated, the Council did not record Information about vexatious complainants, we had no information of them with regard to FOI requests. However, on the complaints policy this would be a matter between the Complainant and the Authority and would be protected under General Data Protection Regulations (GDPR), under those circumstances the Council would not put that information into the public forum.

Question 3. How are such complaints and individuals reported to elected members?

Answer: As per section 11 of the Complaints and Feedback policy – “The Council’s District Solicitor would notify the relevant officers, the complainant and where appropriate the Ward Member in writing of the reason the complaint or complainant has been classed as unreasonable, persistent, or vexatious and of the actions to be taken.” The Council did not treat requests for information as complaints.

Statement: Requests for information were made by means of a ‘request’. If the request was not answered properly then a ‘review’ would be requested. If that review still did not satisfy the enquirer, then a ‘*Complaint*’ would be made – not to the Council, but to the Information Commissioner, who will adjudicate on the matter.

Paragraph 4.2 of the report advised that only one complaint was upheld by the Ombudsman but no mention was made of findings by the Information Commissioner in what could be classified as complaints against the Council.

Question 4. Why are the outcomes from the Information Commissioner investigations not made available by MDDC for the public to inspect?

Answer: Requests for information were not dealt with as complaints. The Information Commissioner would publish the outcomes of all investigations or cases which had been referred to them on their own website.

Question 5. How and where is this information reported to elected members?

Answer: Requests for information were not dealt with as complaints, and therefore not reported to elected Members within complaints data.

Statement: Finally

The policy defines 'Unreasonable', 'Persistent' and 'Vexatious' and then says, and I quote: "*The policy is intended to assist in **managing people** by categorising them within these terms and agreeing the actions to be taken.*"

Question 6. Who is responsible for "categorising" people in these terms?

Answer: This was done by the service manager liaising with the District Solicitor or the legal department to ensure that there was evidence to categorise whether a person was making unreasonable, unreasonably persistent or vexatious complaints to the Council. This was agreed with the District Solicitor, see section 11 of the Complaints & Feedback policy.

Question 7. Who will be "agreeing" the "actions to be taken"?

Answer: The District Solicitor as per section 11 of the Complaints & Feedback policy.

Question 8. Are any risk assessments done on "categorised" persons?

Answer: Consideration of complainant circumstances was always taken into account. This was done by liaison with services affected by regular or persistent contact with the individual to ensure any safeguarding or special characteristics were taken into account so that the Council's response was proportionate and met our responsibilities as a Council.

Question 9. How will any of this assist in "managing" the persons so "categorised"?

Answer: Officers and Members would endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this guidance was to cover occasions where nothing further could be reasonably done to assist or rectify a real or perceived problem.

Answers provided by the Head of Digital Transformation and Customer Engagement.

Mr Warren asked a supplementary Question, in order to clarify, that Freedom of Information requests and outcomes are not reported to Members in any format?

Answer: The Council did not report these directly but did have a publication scheme on its website where the Council reported quarterly on the FOI requests that had been received.

Discussion took place with regard to: on FOI decisions, the vast majority supported the Council's position, however, the Council did not, as a policy, publish those decisions for Members or the public to see on the Council's own website. Councillors asked why not because the Council could be seen as justified in doing so on behalf of its ratepayers. Who was the quarterly report distributed to? Officers were encouraged to make the whole process as transparent as possible.

Answer: The information could in future be reported to the appropriate Policy Development Group. The quarterly report was published on the Council's website and could be found by searching FOI.

PAUL ELSTONE (0:18:58)

Question 1:

I note that the drafting of the MDDC Enforcement document closely resembled the East Devon District Council's same policy. Unfortunately, the Process Flow Chart – Page 14 had been corrupted in the process.

I would draw your attention to the large block in the middle of the chart starting with the words "Breach identified, and no further action required". There was no feedback to the person who reported the breach.

Additionally, there was nothing in the flow chart that showed how the high, medium and low priority system functions.

There were several other significant failings in the flow chart and which I believe fully warrants a redraft. Possibly better and, for clarity, two separate flow charts were required.

When debating the Enforcement agenda item would this Committee recommend a redraft of the flow chart is required and if not why not?

Question 2:

The intent of the Enforcement Policy as stated in the National Policy Framework was to maintain confidence in the planning system.

The proposed procedure was very subjective when setting priorities - which was one of the most important parts in making the enforcement system work, given the limited resources available.

A priority system should be open to scrutiny.

In Mid Devon the planning system was clearly being very substantially abused by some and had been for several years. Persons who had benefitted massively financially but in doing so had caused substantial detriment to many, this due to the lack of any proper enforcement.

As an example, there is one industrial facility at Crownhill Halberton and which due to a series of planning condition breaches going back 5 years, had caused the following concerns:

Firstly - Traffic and pedestrian safety issues impacting on school pupils.

Conditions and Transport statements should prevent traffic from this facility from passing through the Blundells School Campus but up to 200 tractor movements a day had been recorded. Tractors driving on pavements and tractor trailer skid marks at pedestrian crossings should be a warning to the risks that exist.

Secondly - Noise and dust and odour issues which were elevated due to condition breaches.

Thirdly - Impacts on the Grand Western Canal Conservation Area

Each of these three impacts deserve a high priority classification, in its own right, according to the policy.

Therefore, when the three impacts were considered together the planning breaches should demand the very highest level of priority classification. The proposed policy, however, did not recognise this.

When establishing enforcement priorities could I suggest that MDDC adopted a scoring system - not unlike the system used to score whether a tree merits a Tree Protection Order. This would be able to weight cumulative planning breach exposures.

When debating the Enforcement agenda item would this Committee recommend that a scoring system, similar to the Tree Protection Order system, be fully considered and made to form part of thin enforcement policy and if not why not?

The Chair explained that as those questions had not been provided in writing in advance of the meeting that written responses would be provided.

50 **MINUTES OF THE PREVIOUS MEETING (0:23:52)**

The minutes of the meeting held on Monday 28 October 2024 were **APPROVED** as a correct record and **SIGNED** by the Chair.

51 **CHAIR'S ANNOUNCEMENTS (0:24:35)**

The Chair had no announcements to make.

52 **DECISIONS OF THE CABINET (0:24:38)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 12 November 2024 had been called in.

53 ANNUAL REPORT OF COMPLAINTS AND COMPLIMENTS (0:24:45)

The Committee had before it a *report from the Head of Digital Transformation and Customer Engagement.

The following was highlighted in the report:

- The report covered two time periods. The Ombudsman's report covered the period 2023-24.
- There had been an overall increase of 5% in customer and residents' feedback.
- With the new Customer Relationship Management System (CRM) the Council were rolling out new surveys as each service was provided.
- There had been a rise in complaints of 6% over the period which sounded a lot but in context of the thousands of individual services provided by the Council, anything under 10% increase in complaints, the Officer suggested, should not raise too much concern.
- There was a significant decrease in the number of complaints received in certain service areas as mentioned in paragraph 3.5 of the report, services were doing better especially when it was borne in mind that in 2023/24 there were staff vacancies to enable the Council to balance its budget.
- During 2023-24 two cases had been investigated by the Ombudsman, only one of which had been upheld and the Council had provided an apology which the Ombudsman had thought an appropriate response to that complaint.
- Overall, there was no significant increase in complaints which would be reflective of a decrease in service.
- The Council had recently moved to a new Code of Complaints and had instigated a new reporting system.
- One of the Council's targets, 'initial acknowledgement within 5 days', had not been met, some of which could be put down to an anomaly in the system and better staff training being required. However, at the time of writing the report, the Council was meeting the response within time target 100% of the time.
- The Head of Digital Transformation and Customer Engagement was now the senior officer responsible for complaints (excluding Housing) along with the Cabinet Member for Service Delivery and Continuous Improvement.

Discussion took place with regard to:

- Manual checks were being made in the new system to check the reporting.
- There would be additional qualitative analysis moving forward which would be started in the next quarter.
- That the Scrutiny Committee should keep the Report of Complaints and Compliments coming to it as an annual report.
- Whether Freedom of Information (FOI) data could come to the Scrutiny Committee quarterly perhaps by way of a dashboard, alternatively, whether a FOI report would be included within an Annual report to the Scrutiny Committee? This could be a separate report from the Customer Complaints report.
- In order to be transparent the FOI data was published on the website quarterly. The Committee requested that they be provided with the data on a quarterly basis. Complaints and the nature of the complaints were changing.

In proportion to the number of communications and services the Council offered, the proportion of complaints was very low.

- With the change in customers visiting the Council offices and telephoning, now moving to on-line communications, how did that affect the way that the Council were responding? The Officer replied that nothing had changed in that each complaint was dealt with on its own merits.
- Where a complaint was justified the officer would record whether there were any lessons to be learned or whether there were any process changes that needed to be implemented. That information was recorded on the CRM system and would influence the qualitative work that was to be done and evidence that change had been implemented.
- If FOI data was already reported on the website and had its own dashboard, it should not be a burden for the Scrutiny Committee to see it once a quarter in arrears which would be more useful to the Committee. Key Performance Indicators that could be measured might include the response time.

The Head of Digital Transformation and Customer Engagement agreed to produce a briefing report for the December 2024 meeting of the Scrutiny Committee with some suggestions and proposals as to how to move forward with the reporting of FOI to the Scrutiny Committee.

The Committee agreed to **NOTE** the report and **AGREED** the following:

That the Annual report of Compliments, Comments and Complaints be allocated to the Service Delivery and Continuous Improvement Policy Development Group as well as the Scrutiny Committee.

Note: (i) *report previously circulated

(ii) Councillors D Broom, A Cuddy and M Farrell left the meeting after this item.

54 **THE IMPACT OF THE GOVERNMENT'S PROPOSED CHANGES TO NATIONAL PLANNING POLICY ON THE COUNCIL'S PRIORITIES AND PREPARATION OF A NEW LOCAL PLAN (0:53:45)**

The Committee had before it and **NOTED** a *report from the Director of Place and Economy.

The Forward Planning Team Leader stated that the report had been prepared at the request of the Committee to advise it of the affects that the Government's proposed changes to the National Planning Policy Framework (NPPF) would have on the preparation of the Council's new Local Plan.

The following was highlighted in the report:

- There was an emphasis on delivering new homes nationally in order to kick-start economic growth.
- The proposals related to housing land supply and sought to re-introduce a requirement for local planning authorities to continually demonstrate a 5 year deliverable supply of new homes.

- The consultation proposals also included making the standard method for calculating district housing requirements mandatory and also using a stock based approach that would see many local planning authorities experiencing a significant increase in their district annual housing requirements.
- Mid Devon District Council had provided a detailed response to the Government's proposals in September 2024.
- Work was progressing on the new Local Plan towards publishing and consulting on Draft Policies and Site Options as soon as possible in the early part of 2025 once the outcome of the amended NPPF and standard method was known.
- The new timetable would be subject to a review of work completed and any additional work that was needed to inform the draft policies and site options.
- The Council's Forward Plan currently showed a report on draft policies and site options going to the Cabinet meeting on 4 March 2025.
- The Local Development Scheme would be taken to the Cabinet Meeting on 1 April 2025.

Discussion took place with regards to:

- The no comment replies in relation to questions 34 and 41, on the response to the Government about proposed reforms to the NPPF, related to the "Green Belt" and there was no "Green Belt" in Mid Devon.
- Class Q was separate to the NPPF.
- The revised deadline for submission of Local Plans under the current system had been put back to December 2026.
- The current standard method would place a requirement for 346 new homes per year in Mid Devon. Under the consultation it was proposed that the figure would increase to 571 homes per year, the new standard method / figure would be advised to Councils by 31 December 2024. Therefore, if the Government proposals were accepted this would equate to an increase of 4,500 homes over 20 years.

Note: *Report previously circulated.

55 **PLANNING ENFORCEMENT POLICY UPDATE (1:03:50)**

The Committee had before it a *report from the Senior Enforcement Officer.

The following was highlighted within the report:

- New legislation was included in the new Policy.
- The Policy had been reviewed as a whole from the Policy that was previously before the Scrutiny Committee in February 2024 and some changes had been made within it to make it more accessible and easier to follow.
- The Policy currently shown on the Council's website was out of date due to a change in legislation.
- The Senior Enforcement Officer introduced the Assistant Planning Enforcement Officer.

Discussion took place with regard to:

- High, medium and low priorities could change depending upon circumstances.

- High priorities included matters such as Listed Buildings and Tree Preservation Orders.
- With regard to medium priority matters, each case was unique so it was difficult to categorize.
- Low priority matters included such things as a fence being 2 inches too high or a shed that was forward of the principle elevation etc., it included nothing that was irreversible or causing detrimental effect at that time.
- A serious breach would be a high priority.
- A team meeting was held every Monday when cases were triaged and new information could mean that a case moved between categories.
- No other Councils, in the experience of the Officer, triaged the cases in the way that Mid Devon District Council did, but it was important for the Council to do this whilst they dealt with the back log of cases.
- Priorities could change following site visits as cases were fluid within the categorisations.
- The Senior Enforcement Officer was congratulated for her work, for settling in well and for leading a workshop.
- All 300 outstanding cases had now been triaged. The oldest dated back to 2019 but was at prosecution stage. The Officers were now working on cases from 2023/24.
- All cases were now looked at as they came in.
- The 300 cases were not static, approximately the same number of cases came in as were completed.

The Committee **NOTED** the report and **AGREED** the following:

- The updated Planning Enforcement Policy - including that the Planning Policy Advisory Group had recommended the presentation of the updated Planning Enforcement Policy to the Cabinet for approval.
- That delegated authority be given to the Development Management Manager, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to make any future revisions to the Planning Enforcement Policy to ensure it accorded with National Planning Policy.

(Proposed by the Chair)

Note: (i) *Report previously circulated.

56 **PORTFOLIO PRESENTATION FROM THE CABINET MEMBER FOR PARISH AND COMMUNITY ENGAGEMENT (1:17:23)**

The Committee received and **NOTED** a presentation from the Cabinet Member for Parish and Community Engagement.

The following was highlighted in the presentation:

- This was a new role created as a direct consequence of the State of the District debate, which took place on 20 March 2024. The role was announced by Cabinet on 4 June 2024.

- This administration was committed to listening and building closer positive relationships with all of their stakeholders.
- The role acknowledged the importance of the relationship between the District Council working together with the Towns and Parishes.
- The role did not in any way seek to replace the important link between Ward Members and the Towns and Parishes.
- A key aim was to identify common issues across the district and through working together, seek to resolve or understand what could be achieved. To do that the Cabinet Member had started visiting the Town and Parish Councils or their representatives, that work continued.
- In the first six months of the role the updated Town and Parish Charter had been adopted by the Cabinet on 9 July 2024, prior to that the Council had consulted with the Devon Association of Local Councils. The Annual Meeting of the Town and Parish Clerks had been held on 20 November 2024.
- Work was underway to meet the rest of the Town and Parish Clerks or their representatives.
- The Cabinet Member would continue to assist with pointing Towns and Parishes in the right direction to things like funding opportunities and any other information they may require to assist them (in addition to any planning training the Council may have already provided).
- The Cabinet Member explained that she was there to:
 - Listen
 - Help break down barriers
 - To build bridges.

Discussion took place with regard to:

- Resources available to Towns and Parishes included advice on Emergency Plans and the support that was available to develop such plans. Community Land Trusts and how they could assist parishes.
- The State of the District Debate had generated a lot of good will and improved relationships with Towns and Parishes.
- Individual District Councillors encouraged good relationships with the Towns and Parishes in their wards and when they asked for it received good support from officers.
- The Cabinet Member would welcome Ward events.
- Success in the post and how it could be measured? The Cabinet Member hoped that in 18 months' time, satisfaction levels would have increased and Towns and Parishes would feel that they could easily contact people at the District Council. She also hoped that Town and Parish clerks would find it easier to get through to the officers that they needed to contact.
- Common concerns from the Towns and Parishes focused on enforcement and s106 matters.
- How could the District Council publicise the good work that was being done at the Council. Could it get good news into the Tiverton Gazette and other local papers? Perhaps the Council was too modest in letting the public know of their achievements.
- The Cabinet Member wrote a monthly newsletter for her Parish Council detailing what had been happening at the Council and suggested that other District Councillors could do the same if they were not doing so already.

- Could the Cabinet Member let Ward Councillors know when she was visiting Towns or Parishes in their Ward? The Cabinet Member commented that she did not go anywhere without being invited.

57 **WORK PROGRAMME (1:46:15)**

The Committee had before it and **NOTED** *the Forward Plan and the *Scrutiny Committee Work Programme.

The following was highlighted:

- The item on house maintenance, emergency repairs, pollution monitoring and resident safety would come to the Scrutiny Committee in April 2025.

Discussion took place with regard to:

- The proposal from Mr Barry Warren, with regard to the examination and review of Freedom of Information processes within Mid Devon District Council, was **ACCEPTED** and added to the Work Plan. The Head of Digital Transformation and Customer Engagement would be able to bring a report to the Scrutiny Committee Meeting on 18 December 2024.
- A proposal from Cllr R Roberts with regard to the Social Housing Rents Error was **ACCEPTED** and added to the Work Plan. The report from the Deputy Chief Executive would come to the Scrutiny Committee meeting on 13 January 2025 following the report going to Cabinet in December 2024.
- A proposal to identify particular issues with regard to an update on the infrastructure matters in Cullompton. The Member agreed to discuss this proposal with other ward members before finalising any proposal form.
- There was a query as to how often Cabinet Members should be asked to present their Portfolio. The Clerk would discuss this with individual Portfolio holders.

(The meeting ended at 7.15 pm)

CHAIR

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 3 December 2024 at 5.00 pm

Present

Councillors

L Knight (Chair)
D Broom, E Buczkowski, G Czapiewski
(Vice-Chair), B Fish, B Holdman, R Roberts
and A Stirling

Apology

Councillor

J M Downes

Also Present

Councillor

J Buczkowski

Also Present

Officers

Paul Deal (Head of Finance, Property & Climate Resilience), Matthew Page (Head of People, Performance & Waste) and Sarah Lees (Democratic Services Officer)

Councillors

Online

S J Clist, A Glover, J Lock, L Taylor and D Wulff

Officers Online

Kieran Knowles (Operations Manager for Financial Services)

26. **APOLOGIES**

Apologies were received from Cllr J Downes who was substituted by Cllr B Holdman.

27. **PUBLIC QUESTION TIME**

The following member of the public asked questions:

Paul Elstone

Question 1

Agenda Item 8 External Auditors Draft Report 2023/24:

Professionally prepared market data available reveals that this Council were paying grossly excessive prices for the ZED PODS modular social home developments.

I find no reference in any of the internal or external audit report to any Value for Money or Governance Audit had been implemented this with regards to this Councils partnership arrangement with ZED PODS

An audit I believe there was a very compelling reason to undertake given that data shows that homes far more energy efficient than the ZED PODS Modules and constructed to Passive House Standards could be built for around £2500 per square meter. Yet it was known that this Council had paid over £5,000 per square meter for a modular development this despite the land coming for free.

There seems to be one development still to be delivered that could cost over £6,000 per square meter.

Would this Audit Committee arrange for the implementation of both a Value for Money and a Good Governance Audit and if not, why not?

Question 2

Agenda Item 6 Corporate Risk Report:

CR 9, Delivery of 3 Rivers Closedown Plan Page 7 Shows current risk as stable at a low of three (3). A very low score I believe already previously questioned by a member of this Committee.

Five (5) out of the nine (9) Haddon Heights properties remain on this Councils books and since 3 Rivers sold these five (5) properties to this Council in March 2024 and at a price of £3.15 million. Properties first marketed 2 years ago.

The corporate risk includes the ability to sell the Haddon Heights properties on and at budget.

This Council have lost around £105,000 in investment income and since purchasing these properties just 8 months ago and with the loss escalating substantially month on month.

Will this Audit Committee as part of the Agenda Item. 6 debate, fully examine the reason for the risk ranking remaining so very low and give full consideration to the need to increase this risk score. This given both the current sales position and ongoing market conditions and if not why not?

Supplementary Question

In providing response that I will receive a written answer within 10 days and response that has become the standard response for all MDDC Committee Chairs.

Is the Audit Committee Chair aware that despite what the Monitoring Officer was previously on record as saying the response you had provided was not in full compliance with the MDDC Constitution Part 4 Rules of Procedure, Sections 9.1 and 9.4, pages 98 and 99.

That given how my questions are framed it would not be unreasonable for me to receive a full answer to my question 2 during this meeting and when agenda item 6 is debated.

The Chair stated that he since the Committee had not received the questions in advance the questioner would receive a written response in the usual way and that he had taken a note of what Mr Elstone had said.

28. **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

29. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 20 August 2024 were confirmed as a true and accurate record and **SIGNED** by the Chair.

30. **CHAIR'S ANNOUNCEMENTS**

The Chair informed the Committee that himself and the Vice Chair had attended the most recent Devon Assurance Partnership (DAP) meeting and had been pleased to learn that DAP had been in existence for 15 years. The Head of DAP, Mr Tony Rose, was present at the meeting and presented the Chair with a framed certificate in recognition of working in partnership with the Council for the last 15 years.

31. **CORPORATE RISK REPORT (00:11:00)**

The Committee had before it, and **NOTED**, a report * from the Corporate Performance and Improvement Manager and the Corporate Manager for People, Performance & Waste providing a quarterly update on the Corporate Risk Register.

The following was highlighted within the report:

- The Committee were referred to the table listing the 18 Corporate Risks faced by the Council. Any changes were listed in section 2.3.
- Reference was made to the recent news regarding the funding for the Cullompton Relief Road and also the recent pay award settlement for staff relieving the previous threat of industrial action.
- Attention was also drawn to risks in relation to severe weather events due to the time of year.

Discussion took place regarding:

- Recruitment challenges in the Building Control area.
- Whether the risk rating in relation to the Cullompton Relief Road should now be reduced given the recent announcement regarding funding?
- The grading of the risks contained within the table was carried out by the Corporate Performance and Improvement Manager.
- All services had been asked to provide a Business Continuity Plan and these were currently being reviewed. A Resilience Officer had been appointed to oversee this process. It was hope that this gave the Committee some assurance that this risk was being given a high priority.
- It was confirmed that the Council had received an independent assessment of its Cyber Security arrangements.

- With regards to the Climate Change risk it was confirmed that a report proposing a new Climate Strategy was going to the Cabinet the following week together with an Action Plan. Both would be reviewed on a regular basis as the Council moved towards its 2030 target.
- It was confirmed that the 3Rivers company had been officially dissolved as at 26th November 2024.
- It was felt that the reputational damage regarding 3Rivers would last for a long time. Dissolution of the company was but one event in a long series of events. There were still unsold properties to deal with.

It was **AGREED** that the Head of Finance, Property and Climate Resilience would report back the comments made by the Committee to the Leadership Team and that the risks would be reviewed, removing reference to the closedown risk and focussing on the remaining reputational risk.

Note: * Report previously circulated.

32. **DEVON ASSURANCE PARTNERSHIP PROGRESS REPORT 2024-25 (00:43:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Assurance Partnership (DAP) providing a summary of internal audit activity since the last meeting.

The following was highlighted within the report:

- The internal auditor had no significant concerns in any of the areas that had been audited since the last meeting.
- There were no high outstanding audit recommendations, however, there were 28 medium recommendations with 10 of those being overdue. These were only recently overdue however with a date of either October or November 2024.
- Through the Customer Satisfaction survey DAP generally received between a 96% and 98% satisfaction rate.

Consideration was given to:

- The working relationship between the internal and external auditors and whether views were challenged on either side. It was confirmed that DAP had a positive functional relationship with Bishop Fleming and even shared training opportunities. However, ultimately each was responsible for their own reports.
- It was suggested that perhaps management needed to be a bit more realistic with their timescales regarding audit recommendations. Sometimes they were too optimistic.
- Customer Satisfaction surveys were sent out to any individuals who had had key involvement with the audit.
- It was confirmed that the Contract Register was updated post award and was available on the Council's website.
- Cyber Security was the biggest risk faced by most local authorities.

Note: * Report previously circulated.

33. 2023 - 2024 STATEMENT OF ACCOUNTS (01:02:00)

The Committee had before it a report * from the Deputy Chief Executive (S151) presenting an updated draft version of the 2023/24 Statement of Accounts, highlighting any areas which have been amended since the draft accounts were published on the website, presented for external audit and considered by Audit Committee in June 2024. The draft Annual Governance Statement * was also presented to the Committee.

The following was highlighted:

- The Committee were reminded that they had received the draft Statement of Accounts and Annual Governance Statement in June 2024. It had been anticipated that the Accounts would be signed off in October 2024 but this had not been possible due to a number of factors.
- The audit was now largely complete, one issue remained regarding the Social Housing Rent error. This would be discussed by Cabinet the following week with an outlined proposal as to how to resolve the error, final adjustments would then be made to reflect the resolution correctly in the accounts. The final accounts would then be presented to the Committee for the final time in January 2025.
- There had been no changes to the Annual Governance Statement since June 2024.
- The minor changes to the accounts since they were last presented to the Committee were summarised as follows:
 - Improved narrative to clarify the overspend of £635k had been offset by reserves.
 - The clarification of the application of the Going Concern concept to the Group Accounts.
 - The 'expenditure and funding' analysis had been repositioned more appropriately within the accounts.
 - Members Allowances (note 16) had been updated as previously the accounts had shown outdated information.
 - An adjustment to the Group Accounts by £58k following a minor adjustment to 3Rivers Final Accounts.

Discussion took place regarding:

- It was confirmed that the Social Housing Rents issue would be isolated to the Housing Revenue Account (HRA) although it was possible some staff costs would be recharged to the General Fund.
- The Council was in a buoyant position regarding its reserves and was holding above the minimum amount of £2m.

Following this the external auditors, Bishop Fleming, presented their completion report * and Annual Report * with particular reference to the following:

- They were coming to the end of their first year as the Council's new external auditors. It had gone well and thanks were extended to the Finance team for their ongoing co-operation.
- Limited adjustments to the accounts had been required and the Council was in a good position regarding its record keeping and control environment.

- One issue remained regarding the Social Housing Rents error and they were waiting to see what decisions were made regarding the resolution of this error before finalising their report.
- Reference was made to the significant weakness that had been identified by the previous auditors regarding 3Rivers. The new auditors were satisfied that the closure process had been dealt with appropriately.
- Bishop Fleming's Annual Report focussed on the Council's 'Value For Money' arrangements. Key themes were financial sustainability, governance and the 3 'E's': economy, efficiency and effectiveness. The report included a table setting out their conclusions. Governance arrangements regarding Social Housing Rents had been rated as a significant weakness.
- In auditing the 2022/2023 accounts, Grant Thornton had identified a significant weakness in relation to 3Rivers, since this was being closed down in 2023/2024 Bishop Fleming still had to recognise that weakness in their report also. The report contained their recommendations. They would be bringing their final report to the January meeting of the Audit Committee.

Discussion took place with regard to:

- There were different levels of testing undertaken by the external auditors dependent on an assessment of risk in particular service areas.
- Concern regarding the two areas of significant weakness that had been identified. However, the external auditors reassured the Committee that it was only these two areas and that by their nature, external audit reports were always backward looking and did not take into account plans to correct and resolve issues going forwards. There was an expectation that 3Rivers would not appear in the accounts for 2024/2025 and that actions to resolve the housing rents error would be agreed by Cabinet in the following week and the accounts adjusted to reflect that.
- A request was made to correct the wording at the top of page 286 of the agenda pack to state '2022/2023 recommendations' so it was clear which year was being referred to.
- An improvement recommendation had been included within the auditor's report regarding the treatment of the Medium Term Financial Plan going forwards. It was not unusual for district councils to have identified a funding gap over the next 4 years given the reduction in government funding.
- The external auditors had been satisfied with the Council's proposals to address the Social Housing Rents error in terms of the legal advice they had sought and good practice learned from the housing sector generally.
- Due to the auditor's report not quite being complete yet, the Annual Governance Statement and the Letter of Representation would need to be signed at the January meeting.

RESOLVED that the 2023/24 Statement of Accounts be approved subject to the inclusion of a Provision for the Rent Formula Error once it is available.

(Proposed by Cllr B Fish and seconded by Cllr D Broom)

Reason for the decision

As set out in the report.

Note: * Reports previously circulated.

34. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:50:00)**

It was noted that the list of items stated on the agenda for the next meeting were in fact for the meeting on 25th March 2025.

The next meeting would be held on 14th January 2025 at which the Committee would receive the final reports regarding the 2023/2024 accounts.

(The meeting ended at 6.55 pm)

CHAIR

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MINUTES of a MEETING of the ECONOMY & ASSETS POLICY DEVELOPMENT GROUP held on 28 November 2024 at 5.30 pm

Present

Councillors M Farrell (Vice-Chair), G Cochran, M Fletcher, B Holdman, L Knight, N Letch, R Roberts and A Stirling

Apology

Councillor J M Downes

Also Present

Councillor G Westcott

Also Present Officers

Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Zoë Lentell (Economic Development Team Leader) and Sarah Lees (Democratic Services Officer)

Councillors Online

E Buczkowski, J Buczkowski and S Keable

Officers Online

Dr Stephen Carr (Corporate Performance and Improvement Manager), Linda Perry (Economic Development Manager) and Laura Woon (Democratic Services Manager)

Also in

Attendance Rachel Phillips from the Apricot Centre

26 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr J Downes who was substituted by Cllr B Holdman.

Note: The meeting was chaired by Cllr M Farrell, the Vice Chair.

27 PUBLIC QUESTION TIME

No members of the public asked questions.

28 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

29 **MINUTES**

The minutes of the previous meeting, held on 19th September 2024, were approved as a correct record and **SIGNED** by the Chair.

30 **CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

31 **PRESENTATION FROM THE APRICOT CENTRE (00:05:00)**

Rachel Phillips from the Apricot Centre provided the Group with a presentation which included the following information:

- They were a bio-organic farm which as well as growing and selling produce offered an education service, training opportunities and a well-being service. Their aim was to work with as many farms across Devon as possible.
- They had applied for and been successful in obtaining, Shared Prosperity Funding from the Council and were thriving in all of their ventures.
- The farm spread across 200 acres.
- They offered different training opportunities, such as knowledge sharing workshops, with community focus being very much at the heart of what they did.
- Increasing biodiversity and reducing carbon impacts were key priorities.
- They worked a lot with new entrant farmers and provided free consultancy and mentoring services in such areas as farm design and farm book keeping.
- Some farmers needed the validation of a professional qualification and the Apricot Centre offered this. The centre offered a wide range of respected qualifications.
- They were trail blazers and grateful for the support from the District Council who in helping to provide the Shared Prosperity Fund (SPF) funding they needed were helping them to create rural skills for rural communities.
- Long term funding was needed however to facilitate the continuation of this good work.
- Soil testing was another area of focus trying to establish how soils capture carbon through soil symbiosis and the study of this in a laboratory.
- The Centre also offered clinical therapy in a 'non-clinical' setting to a range of age groups.

Consideration was given to:

- There were 22 core members of staff and the Centre currently had a £1.5m turnover figure.
- They would be able to continue without funding from the SPF as they had secured some funding for next year, however, they would not be able to offer as much education. They aimed to offer courses free of charge to farmers in

particular as it did not seem fair to set framers off with a huge training debt before they had even started their careers.

- The importance of children knowing where their food comes from.
- Wildlife tracking was also important, people and wildlife all being part of the same ecosystem.
- They had worked with primary schools to create poly tunnels and raised vegetable areas. It was important to get the whole community involved. Also, involvement at an early age was vital. The Centre worked with schools to ensure they fitted in with the school curriculum.

The Chair thanked the representatives from the Apricot Centre for their attendance and for providing an interesting presentation. The information was **NOTED**.

Note: Cllr A Stirling declared a personal interest (subsequent to the meeting) in that he had attended a course with the Apricot Centre prior to them being in receipt of any SPF funding via the Council. He had paid for the course himself several years ago.

32 **PERFORMANCE DASHBOARD Q2 (00:33:00)**

The Group were presented with, and **NOTED**, a slide * showing performance information in the Economy & Assets area under the General Fund.

Since the Dashboard was last presented to this meeting, work had been ongoing to create a glossary. This contained all the measures used as part of the Dashboards and provided a definition for each. The definitions aimed to provide a fuller understanding of what was being measured and how. This was available on the Council's website.

There was one red measure and that was Capital Slippage of Projects. There were 5 projects slipping either fully or partially into 2025/26 the largest of which was the Cullompton Relief Road but this had recently received full funding approval.

Discussion took place with regard to:

- What was being done to support struggling small businesses given the number of empty properties was shown as 224? It was explained that this would depend on which ones were owned by the Council and a more thorough analysis of the Business Rates data would be needed to fully answer that question where it was possible.
- The Tiverton Pannier Market Strategy would be reviewed in the near future and the Council would work closely with the traders in order to do this.
- It was hoped the new glossary which had been circulated through the Members Weekly Information Sheet and on the website would help Members better understand the Dashboards.
- There was a full expectation that developers would continue to financially contribute to the infrastructure needed to support the Culm Garden Village.
- There was no further news on Cullompton Railway Station at this stage other than to say that its delivery was vital to the successful outcome of the other projects taking place in Cullompton. Interventions should be seen as interdependent rather than as individual projects.

Note: * Slide previously circulated.

33 **MEDIUM TERM FINANCIAL PLAN 2025/2026 (00:45:00)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151 Officer) presenting the options to update the 2025/2026 budget for consideration / approval.

The following was highlighted within the report:

- The report provided a 'refresh' of the service areas falling under the umbrella of this Policy Development Group and showed the movement to date in the process of trying to set the budget for 2025/2026 and beyond. The budget gap for 2025/26 was currently £397k. It was hoped that the Government funding settlement expected just before Christmas and finalisation of 'corporate budgets' would help to plug this gap.
- Appendix 1 listed the service areas falling under the remit of this Policy Development Group and the officer talked the Group through each line.
- A lot of work would be needed in respect of the funding announcements expected just before Christmas and to finalise business rates in the final week before the budget was approved for next year.
- It was hoped there would be good news regarding Council Tax and Business Rates, however, the rise in National Insurance would negatively affect the Council's finances if not fully offset as Government have indicated.
- It would be a while before the full effect of the housing rents error was known on the Council's finances.
- The Group was reminded that there was still a significant gap predicted for future years.
- Membership of the Capital Strategy Asset Group was clarified.
- A report going to Cabinet in December 2024 would present the very latest position ahead of Council needing to agree a budget in February 2025.

Note: * Report previously circulated.

34 **SHARED PROSPERITY FUND: YEAR 4 OUTLINE DELIVERY PLAN (2025/26) (01:17:00)**

The Group had before it, and **NOTED**, a report from the Director of Place and Economy providing an Outline Delivery Plan for a potential extension to the Shared Prosperity Fund programme (2025/26).

The following was referred to in the report:

- Details regarding the potential extension for a further year were yet to be received. A final Delivery Plan would be presented to this Group once those details had been received and understood.
- The team were working on an initial assumption based on previous years.
- The recent and on-going Economic Development Strategy workshops would help to inform the Delivery Plan going forwards in terms of focus and direction.

Discussion took place with regard to whether there was an evaluation on the local nature and sustainability of supported projects. It was explained that this very much came into play under the Rural England Prosperity Fund, for example projects

needed to demonstrate that economic advantage to one project/business didn't disadvantage another one. They also needed to demonstrate that the project had no negative impact upon the environment.

Note: * Report previously circulated.

35 **SHARED PROSPERITY FUND YEAR 3 Q2 UPDATE (01:22:00)**

The Group received, and **NOTED**, a presentation from the Economic Development Team Leader providing an update on the Shared Prosperity Fund Year 3, Quarter 2 position.

The following summary was provided:

- Key activities under the 'Love Your Town Centre' project had been the Shopfront Enhancement Scheme and the Business Growth Fit-Out Schemes. Key objectives had been to improve commercial buildings, reduce vacant units, support businesses, arts, cultural and heritage events. Next steps included a continuation of shopfront match funded scheme and new schemes planned for 2025/26. Challenges included a low application rate and weather impacting event delivery.
- Field to Fork: Meet the Producer Campaign. Showcasing Events, including the Mid Devon Show 2024 and the Devon County Show 2024. Food and drink businesses supported were listed in the presentation.
- Visitor Economy: Promoting Mid Devon Tourism Events and Activities, including the Tiverton Swan Trail and the Mid Devon Walking Festival.
- Other Projects included People and Skills: Employment Skills Hub project with Devon County Council, Business Innovation Centre and Outreach Programme with Petroc College. Business Support through the Prosper Support Programme with Devon County Council. Further Business Support through Devon Agri-Tech Alliance.
- Much had been achieved in terms of Business Support and Outreach.
- Prosperity Programme: Grant scheme supporting applications under various themes.
- Work Hub Scheme: The Hubs supported were listed and the next steps were works to the Market Centre which would commence in December 2024 and advertising for 'Expressions of Interest' from prospective operators.
- Prosperity Grants: Prosperity Programme completed and ongoing monitoring underway. Higher interest in adopting new technologies and reaching new markets versus lower interest in job creation. Business support was being promoted to encourage more take-up.

Discussion took place regarding:

- It was not yet known which areas of Mid Devon would receive funding for particular projects. It was hoped that there would be a fair distribution across the district.
- More innovative ideas were needed to support town centre business premises.
- How footfall data was collected was explained. This took place through the use of a facilitator called 'Visitor Insights' which used geolocation data from

digital devices and was 97% accurate. This data was shared with Town Councils and other service areas within the Council.

- 80% of customers searched online for products first therefore businesses were strongly encouraged to create an online presence.
- The Prosper Programme provided advice and support and businesses were encouraged to tap into this.
- The appearance of some shop fronts in town centres was putting some people off from visiting. Tiverton in particular had a significant problem with absentee landlords so it was very difficult to seek engagement from them. The Shopfront Enhancement Scheme existed to help support the improvement of some shopfronts but this needed to be applied for and engagement with the landlord was vital.
- The Government had started to introduce high street rental auctions. The Council needed to understand what opportunities that might provide going forwards.

36 **ECONOMIC DEVELOPMENT TEAM UPDATE (02:05:00)**

The Group had before it, and **NOTED**, a report from the Director of Place and Economy providing an update on activities carried out by the Growth, Economy and Delivery Team since the last Policy Development Group meeting.

The contents of the report were outlined.

Consideration was given to:

- A need to remind Ward Members about the support that Prosper offered and how to go about putting businesses in touch with the right people.
- The majority of the external works to the Market Walk property would commence next month.

Note: * Report previously circulated.

37 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:11:00)**

The items already listed in the work programme for the next meeting were **NOTED**.

A brief discussion took place regarding the current situation regarding Broadband provision in Mid Devon. It was requested that details regarding a sister scheme to 'Connecting Devon and Somerset' be circulated to all Members. This was in relation to boosting mobile phone coverage.

(The meeting ended at 7.44 pm)

CHAIR

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 19 November 2024 at 2.15 pm

Present

Councillors

S Robinson (Chair)
C Adcock (Vice-Chair), J Cairney,
C Connor, B Holdman, F W Letch, N Letch,
and H Tuffin

Apology

Councillor

A Glover

Also Present

Councillor

S J Clist

Also Present

Officers

Stephen Walford (Chief Executive), Simon Newcombe (Head of Housing & Health), Tanya Wenham (Operations Manager for Public Health and Housing Options), Mike Lowman (Building Services Operations Manager), Dr Stephen Carr (Corporate Performance & Improvement Manager), Sam Barnett (Housing Initiatives Officer), Sarah Thomas (Housing Options Manager), Carole Oliphant (Housing Policy Officer), Laura Woon (Democratic Services Manager) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J Buczkowski, G Czapiewski and J Lock

Officer Online

Richard Marsh

Also in

Attendance

Matt Dodd and David Hancock (Exeter University)

36 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr A Glover who was substituted by Cllr B Holdman.

37 PUBLIC QUESTION TIME

There were no questions from members of the public.

38 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

39 **MINUTES**

The minutes of the meeting held on 10 September 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

40 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

- a) She welcomed Matt Dodd and David Hancock from Exeter University to the meeting. They were attending in relation to the Devon Housing Commission Report item.
- b) Mid Devon Housing had received a number of awards since the last meeting and she congratulated all those involved on this remarkable achievement.
- c) The March 2025 meeting already had a long list of agenda items programmed for it. In order to redistribute the workload so that it could be better managed, she proposed that a Special Meeting take place on 28th January 2025 to consider any items that could be brought forward. The Head of Housing and Health confirmed that several items could be brought forward. The Group **AGREED** therefore to holding a Special Meeting of the Homes Policy Development Group on 28th January 2025.
- d) She offered her congratulations to the Public Health and Housing Options Team for all the work they were doing in relation to Homelessness.

41 **DEVON HOUSING COMMISSION REPORT**

The Group received a presentation from Matt Dodd and David Hancock at Exeter University regarding the Devon Housing Commission Report.

This contained the following information:

- A huge data gathering exercise had been undertaken at the commencement of the project through site visits, seminars, online calls for evidence and working with local and central government agencies.
- Some key headlines included the fact that Devon was 'older' than the rest of England and was getting 'older' faster.
- Devon's homes were some of the most under-occupied in the country, they were also some of the poorest quality.
- There were fewer affordable homes in Devon than the rest of England and the number of bids per home on Devon Home Choice had doubled since 2019/20.

Some of the key recommendations in the report included the following:

For the Government

- A renewed and increased Affordable Homes Programme.
- Local Authority Housing Fund providing renewed and increased flexibility on temporary accommodation.

- Support for the Renter Reform Bill.
- Funding for Rural Housing Enablers.
- Support for being more robust on planning.

For Local Authorities

- Ensure Housing Enabling is at the heart of Local Authorities.
- Act on holiday lets/second homes.
- Ensuring the right type of homes were built – using the local plan process.
- Temporary accommodation – acquisition and remodelling.

For Other Bodies

- Homes England – work closely with Devon and develop rural and coastal housing strategies.
- Housing Associations – communicate on disposals strategies.
- Regulator of Social Housing – develop a charter on disposals.
- Promote and encourage construction skills and retrofit/green skills.
- Landowners and housing authorities working together.

Next steps

- Report focused on benefits of devolution.
- Working together between districts and between districts and county.
- Facilitation of that relationship.
- Strategic pipeline that Homes England want to develop.
- Devon wide housing strategy to support the delivery of housing ambitions.

Discussion took place regarding:

- A lot of this could be solved purely by freeing up bedrooms.
- 45% of Mid Devon's stock was under occupied.
- There needed to be a sufficient turnover of stock.
- Decanting people to other parts of the country would not be practical or appropriate. Flexibility was needed and it was about providing appropriate stock within the local area.
- There was a tension between developers providing houses at market price for people coming in from outside the area and local need.
- Considered design of new housing developments was vital.
- There was much work to do in terms of gathering data on downsizing.
- Government recommendations were aimed at stopping the actions of some less than scrupulous landlords.
- More needed to be done to encourage developers to 'build to rent' and the 'Renters Reform Bill' would be key in this process.
- Many landlords were leaving the rental sector and placing their properties on the market.
- The Local Planning Authority could be more prescriptive about what it would like to see, however, it was a difficult balancing act with what was happening with the open market.

RECOMMENDED to the Cabinet that:

The Devon Housing Commission report and recommendations are taken into account in the review of the MDDC Housing Strategy due in 2025.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: Cllr C Connor declared a personal interest in that she was a landlord outside of the district. Cllr B Holdman also declared a personal interest in that he was a private sector tenant.

42 **PERFORMANCE DASHBOARD QUARTER 2**

The Group were presented with, and **NOTED**, two slides * showing performance information in the housing area both under the General Fund and the Housing Revenue Account.

Since the Dashboard was last presented to this meeting, work had been ongoing to create a glossary. This contained all the measures used as part of the Dashboards and provided a definition for each. The definitions aimed to provide a fuller understanding of what was being measured and how. This was available on the Council's website.

Regarding the measures showing as red and amber it was explained that:

- Private Sector Housing service requests response rate was at amber. This was only just behind target, with just 2 cases falling outside the 5 working days target in Q2.
- Projected Outturn was also at amber - a small overspend of £13,000 currently predicted.
- Delivery of new Social Housing - the red status here was a little misleading, with 44 homes delivered against a target of 50 with several schemes about to come on line.
- New net-zero properties (red) - Shapland Place, Tiverton was now complete, but this would show in Quarter 3 data. Crofts Lapford would be complete ahead of schedule by Christmas so would also show in Q3. Several other schemes had now commenced, so overall, delivery was strong. Housing delivery could be more accurately assessed at the year end rather than on a quarterly basis due to the nature of delivery.
- Mid Devon Housing (MDH) - Complaints responded to within Complaints Handling Code timescales (amber) - 100% had met the target timescales in Quarter 2. The average performance across the financial year was therefore increasing.
- MDH Housing stock occupancy rate (amber): There had been a full and detailed report on Voids to the Scrutiny meeting on the 28 October. A number

of long term development voids were awaiting demolition and this was contributing to the lower occupancy rate.

- HRA – Projected Capital Outturn (amber): This underspend reflected both the revised timing of the projects and the revised programme of works themselves, with the deliverable budget amended as necessary.
- HRA – Capital Slippage % of development projects (amber): As the previous indicator – the programme had been revised with some projects slipping, some being accelerated and some no longer being taken forward.

Note: * Slides previously circulated.

43 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151 Officer) presenting the options to update the 2025/2026 budget for consideration / approval.

The following was highlighted within the report:

- The report provided a ‘refresh’ of the service areas falling under the umbrella of this Policy Development Group and showed the movement to date in the process of trying to set the budget for 2025/2026 and beyond.
- Costs in relation to Private Sector Housing and Temporary Accommodation were highlighted.
- A report going to Cabinet in December would present the very latest position ahead of Council needing to agree a budget in February 2025.

Note: * Report previously circulated.

44 **HOUSING INITIATIVES PLAN UPDATE**

The Group received, and **NOTED**, a report * from the Operations Manager for Public Health and Housing regarding the Housing Initiatives Plan.

The contents of the report were summarised and consideration was given to:

- The Group were heartened by the amount of help and support that was offered to people in housing need.
- Congratulations needed to be extended to the Housing Options Team who were working hard to house people wherever possible.
- Council Tax information was helpful in identifying properties that were not occupied. Going forwards there would be a focus on work in this area.
- The team did link in with other local authorities in monitoring the movements of rough sleepers to check as much as possible that they were okay.

Note: * Report previously circulated.

45 **MID DEVON HOUSING (MDH) TENANT COMPENSATION POLICY UPDATE**

The Group had before it a report * from the Head of Housing and Health presenting the revised Mid Devon Housing (MDH) Tenant Compensation Policy.

A summary of the report was briefly provided and discussion took place regarding:

- What would happen if there was a serious problem with a door entry phone?
- The Regulator advised that up to £50 could be paid as a 'good will' gesture under the right circumstances to avoid all parties having to go through a lengthy complaints procedure.

RECOMMENDED to that Cabinet that:

The Updated MDH Tenant Compensation Policy and Equality Impact Assessment contained in Annexes A and B respectively be adopted.

(Proposed by Cllr F Letch MBE and seconded by Cllr B Holdman)

Reason for the decision

As set out in the report

Note: * Report previously circulated.

46 **MID DEVON HOUSING (MDH) SERVICE STANDARDS UPDATE**

The Group received, and **NOTED**, a report * from the Head of Housing and Health regarding the updated MDH Service Standards 2024-2029 as attached in Annexe A.

It was explained that this was a single document pulling together a range of standards across housing policies. It would allow for all the standards to be seen in one place. It was important that Members had sight of this. It provided a clear reference point setting out the expectations on both the landlord and the tenant.

Note: * Report previously circulated.

47 **REVIEW OF MID DEVON HOUSING ASSET MANAGEMENT STRATEGY**

The Group received a report from the Head of Housing and Health regarding a review of the Mid Devon Housing Asset Management Strategy.

The review had been necessary in order to comply with the Consumer Standards and regulations as set out by the Regulator for Social Housing. The environmental impact had been considered as part of developing the strategy. This included specific objectives regarding EPC (Energy Performance Certificate) standards and new net-zero homes within the HRA stock.

RECOMMENDED to Cabinet that:

The Updated MDH Asset Management Strategy in Annexe A be adopted.

(Proposed by Cllr F Letch MBE and seconded by Cllr B Holdman)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

48 **VARIATION TO THE STANDARD TENANCY AGREEMENT PROJECT PLAN**

The Group received, and **NOTED**, a verbal update from the Customer Engagement Coordinator regarding the Variation to the Standard Tenancy Agreement Project Plan.

The Tenancy Agreement document was having to be completely rewritten as a result of the new regulatory regime. The revised document was still in the phase of getting legal sign off but it was hoped the draft document could be brought before the Group at their March 2025 meeting with a view to the new Tenancy Agreement going live in late summer 2025.

Consideration was given to:

- The fact that MDH no longer issued Flexible Tenancies.
- Consultation with tenants would play a large part in finalising the new Tenancy Agreement.

49 **APPOINTMENT OF CO-OPTED TENANT MEMBERS**

The Group had before it a report * from the Head of Housing and Health providing some context around a proposal to recruit three suitable independent tenant members to the PDG. The purpose was to enable a more formalised mechanism for an established tenant voice and greater tenant scrutiny during the development of MDH policies and the consideration of housing service performance given the inherent impact matters have on the Council's residents.

The relevant details regarding the proposal were discussed and consideration was given to:

- The views of the local housing officers needed to be factored into part of the procedure for selecting prospective candidates.
- Whether the needs of tenants in towns and rural areas were the same or different?
- MDH needed a much stronger tenant 'voice' going forwards. It was important to reflect the independent views of tenants on policy matters.
- The aim was to have representative voices from the tenant community that were reflective of all ages, genders, backgrounds and family connections. It would also be important for representatives to have an ability to see issues from all angles not just their own.
- It was recognised that appointments may be difficult to manage and that it may take some time to get the right balance.
- Housing officers would be managing the appointments.
- Representatives would need to be adults who had signed a Tenancy Agreement with MDH, however, it was hoped that they would be able to bring the views and concerns of their wider families, including the younger generation.

- The Chair hoped that it might be possible to consider Care Leavers as potential candidates for the Co-Opted member role going forwards.

RECOMMENDED to Full Council that:

- a) The appointment of three Co-Opted Tenant Members to sit on the Homes Policy Development Group until April 2027 be approved;
- b) Delegated authority be given to the Head of Housing and Health in conjunction with the Cabinet Member for Housing Assets and Property for the appointment of each Co-Opted Tenant Member.
- c) Delegated authority be given to the Director of Legal, People & Governance (Monitoring Officer) to make the necessary amendments to the constitution, including the amendment to the scheme of Members Allowances to include a special responsibility allowance for this position(s).

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

50 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The items already listed in the work programme for the next scheduled meeting in March 2025 were **NOTED**. However, as discussed earlier in the meeting, a proposal to hold a Special Meeting on 28th January 2025 had been **AGREED** so that the long list of items could be more evenly split and the workload upon the Group better managed across two meetings rather than one.

It was also **NOTED** that a report from the Downsizing Working Group would need to be presented to one of these meetings and added to the work programme.

(The meeting ended at 4.40 pm)

CHAIRMAN

Report for: Homes Policy Development Group

Date of Meeting:	19 November 2024
Subject:	APPOINTMENT OF CO-OPTED TENANT MEMBERS
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing, Assets and Property and Deputy Leader
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	N/a
Wards Affected:	All
Enclosures:	Annex A – Proposed Co-opted Tenant Job Description

Section 1 – Summary and Recommendation(s)

This report provides some context around tenants of Mid Devon Housing (MDH) being members of the Homes Policy Development Group and a proposal to recruit three suitable independent tenant members to the PDG. The purpose is to enable a more formalised mechanism for an established tenant voice and greater tenant scrutiny during the development of MDH policies and the consideration of housing service performance given the inherent impact matters have on our residents.

All major Registered Providers (RPs) of social housing, including MDH, are required to achieve the outcomes of the statutory consumer standards published by the Regulator of Social Housing (RSH). One of these standards is the Transparency, Influence and Accountability Standard which sets out that RPs should foster a strong culture throughout their organisation of fairness, courtesy and respect, where tenants are listened to and can trust their landlord. This standard also sets out specific tenant engagement requirements including ensuring there is genuine consideration of tenants' views which must be at the heart of RPs different levels of decision-making about the delivery of landlord services.

Councillors of RPs should therefore assure themselves that tenants' views have been actively sought and considered as part of their decision-making about their organisation's landlord services.

Whilst MDH already undertake a wide range of tenant engagement activities an internal review of compliance with consumer standards and an independent consumer regulation compliance health check earlier in 2024 have identified opportunities to improve. Specifically, there is a need to formalise tenant engagement in the policy development and performance assurance. This can best be achieved through MDH tenants being co-opted to the Homes Policy Development Group.

Recommendations:

That Homes Policy Development agree:

- 1. To recommend that Cabinet recommends to Full Council the appointment of three Co-Opted Tenant Members to sit on Homes Policy Development Group until April 2027;**
- 2. To recommend that Cabinet recommends to Full Council to delegate to the Head of Housing and Health in conjunction with the Cabinet Member for Housing Assets and Property the appointment of each Co-Opted Tenant Member.**
- 3. To Recommend to Full Council to delegate to the Director of Legal, People & Governance (Monitoring Officer) to make the necessary amendments to the constitution, including the amendment to the scheme of Members Allowances to include a special responsibility allowance for this position(s).**

Section 2 – Report

1 Introduction

- 1.1 Homes Policy Development Group (PDG) is a key part of the overall governance of MDH and the overall co-regulation framework whereby members consider and recommend the adoption of policy in terms of the delivery of our housing services. It also receives and considers further important information with regard to service standards, performance and risk. Combined, this a cornerstone in the provision assurance that MDH are meeting the requirements of the statutory consumer regulation regime overseen by the RSH including confidence that our tenants voices are being heard and taken into account.
- 1.2 Four core consumer standards form part of the wider consumer regulation regime, of which the Transparency, Influence and Accountability Standard specifically sets out required outcomes for RPs in terms of our engagement and involvement with our tenants in the following thematic areas which are integral to the role of the PDG:
 - Fairness and respect
 - Diverse needs
 - Engagement with tenants
 - Information about landlord services
 - Performance information

- Complaints
 - Self-referral
- 1.3 With specific regard to engagement and information, the standard requires RPs to foster a strong culture throughout their organisation of fairness, courtesy and respect, where tenants are listened to and can trust their landlord. This standard also sets out specific tenant engagement requirements including genuine consideration of tenants' views which must be at the heart of RPs different levels of decision-making about the delivery of landlord services. This may include, for example, in relation to recommending new or updated housing management policies for adoption, the setting of service standards, agreeing responsive repair targets and setting performance targets for different landlord services.
- 1.4 Tenants' views can be gathered in different ways. Boards or councillors of RPs should assure themselves that tenants' views have been actively sought and considered as part of their decision-making about their organisation's landlord services.
- 1.5 Whilst MDH currently undertake a wide range of tenant engagement activities through a dedicated strategy, with regard to policy development and performance tenant input is largely ad-hoc through rolling consultations and tenant engagement channels such as social media, tenant newsletters and other communications. Consultation response levels are mixed and assurance that the voice of tenants has been heard is consequently not always robust. An internal review of compliance with consumer standard and an independent consumer regulation compliance health check earlier in 2024 have identified opportunities to improve and formalise tenant engagement in the policy development and performance assurance context through having MDH tenants co-opted to the Homes Policy Development Group.
- 1.5.1 One of the recommendations from the independent consumer regulation health check report (February 2024) was that consideration to be given to the appointment of several independent tenant members to the relevant housing policy and performance governance committee, notably through the creation of a separate sub-committee of the PDG. In light of this recommendation, the Head of Housing and Health together with the Director of Legal, People & Governance (Monitoring Officer) have identified that co-opting members onto the existing Homes PDG is a more effective way of achieving greater tenant engagement for the following reasons:
- Is inclusive and involves all members of the PDG
 - Does not result in a duplication or potential dilution regarding the review and debate on all relevant MDH policy and performance matters
 - Retains the existing role of the PDG and does not unduly extend the democratic decision making process and timeline
 - Is the most cost-effective and most efficient option to set up and support

- 1.6 A particular challenge for RPs is attracting independent tenant members with the relevant experience of our landlord services and an ability to take a wide viewpoint from the perspective a broader tenant cohort. This challenge can sometimes be greater given the broad geographical nature of our mixed town and rural housing stock and diversity of tenants. Therefore, the MDH tenant involvement team and the Head of Service are working to identify suitable tenants who have already demonstrated a willingness to engage with MDH and have provided input and positive engagement on previous policy or other landlord consultations. Furthermore, consideration will be given to diversity of tenants who may therefore be able to provide as wide and valid range of views to the PDG within the limitations of three co-opted spaces.
- 1.7 The Council's ability to co-opt members onto a committee or PDG derives from the Local Government Act 1972, as amended. Section 13(1) of the 1989 Act says that a co-opted member of a committee established under Section 102 of the Local Government Act 1972 (i.e. a committee discharging the functions of the Council) must be a non-voting member. It is for the Council to decide on the term of office of any such co-opted member.
- 1.8 The Constitution outlines the composition of the Homes PDG together with the requirements and quorum of membership. If an additional Co-opted Tenant Member is approved then the Constitution will be required to be amended accordingly i.e. number of members 'plus up to three Independent Tenant Members' and the Quorum for the Homes PDG is 'not inclusive of the Independent Member(s)'. Also adding in that 'the Independent Tenant Member(s) (who shall not be a Member of the Council) is appointed to 'provide MDH tenant experience and a tenant voice to the Homes PDG in respect of proposed MDH policies, plans, performance and standards and shall have no voting rights'. Similarly, the scheme of Members Allowances will be required to be updated to include reference to a special responsibility allowance for the Co-opted Tenant Member(s) of the Homes PDG.

2 Independent Tenant Member

- 2.1 Subject to approval, the role for three Independent Tenant Members will be advertised to all tenants and leaseholders during January and February 2025 and would seek candidates that should:
- Be a current MDH tenant or leaseholder for at least 6-months
 - Be able to interpret and analyse housing information and data with a view to asking probing questions to reach rational conclusions
 - Be a critical thinker and seek to uphold accountability
 - Be confident in fully and proactively participating in the consideration of matters before the Homes PDG at its public meetings
 - Be a good listener, fair and objective in their approach.
- 2.2 In order to be eligible to apply for the position, applicants must not:
- be a Councillor or Officer of any of the Council or have been so in the preceding 12 months prior to appointment

- be related to, or a close friend of, a Councillor or Senior Officer of the Local Authority
 - have been convicted of any offence
 - be an undischarged bankrupt
 - have significant business /contractual dealings with the Council
 - have a proven history of vexatious and/or frivolous complaints at the Council
 - be in arrears with Housing Rent, Council Tax, Business Rates or have other outstanding debts owing to the Council.
- 2.3 It is proposed that MDH will advertise the posts and set out that fixed annual fee (dependant on the Council) will be paid to the successful post holders. It is proposed that three regular persons from those recruited by MDH in conjunction with the Cabinet Member will attend Mid Devon District Council's Homes PDG, but should they be unavailable for any particular meeting, no substitute will be provided.
- 2.4 If Members are minded to approve the appointment of an independent member(s) to Mid Devon District Council, it is recommended that the allowance be set at £500 per annum, which is equivalent to the co-opted Independent Member of Audit Committee and the Standards Independent Person.
- 2.5 More information for potential Co-opted tenants is provided in the form of an informal 'job description' for the role attached in Annex A.
- 2.6 MDH are seeking to work with tenants to create one or more tenant associations that may operate across the whole tenant group or in a more community, place based context. This work forms part of the emergent wider tenant engagement strategy and will take some time and resource to put in place to embed successfully, therefore subject to further consideration and potential approval once options have been refined further. Nonetheless, post April 2027 following a review of co-opted arrangements such a tenant association may provide a different, more independent mechanism to seek co-opted tenants in the future.

Financial Implications

There will be a small financial impact through the need to remunerate three Independent Tenant Members for their time carrying out the role for the Homes PDG and it is recommended that the level of remuneration be set at £500 per annum, which is equivalent to the Co-opted Independent Member of Audit Committee and the Standards Independent Person. This cost will be met from within the existing Housing Revenue Account budget framework.

Legal Implications

The legal implications are contained within the report detail.

Risk Assessment

The proposed post should help the Council recognise and address risk of non-compliance with the statutory consumer regulation standards applicable to MDH.

Impact on Climate Change

There are no Climate Change implications anticipated as a result of this report.

Equalities Impact Assessment

There are no equalities implications anticipated as a result of this report.

Relationship to Corporate Plan

The proposed post should help the council deliver the corporate plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 11.11.24

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 11/11/24

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 30 October 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 01 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Head of Housing and Health

Email: snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers: none

The Role and Responsibilities of MDH Tenant Representatives Co-opted on the Mid Devon District Council Homes Policy Development Group

Introduction

Mid Devon District Council is governed by a Cabinet model. The Cabinet is supported by Policy Development Groups (PDGs) which have a specific function to develop and review policies within their remit and to provide overview on the services provided including service standards and performance. The Homes PDG remit covers all aspects of Mid Devon Housing (MDH).

MDH encourages tenants who are interested in the work of the Homes PDG to apply to be co-opted on to the PDG in order that there is representation from the communities that it serves.

This is a role for tenants and leaseholders who can help us focus on tenants and leaseholders priorities, making sure that your rent and service charges are being well spent, council homes are maintained, your neighbourhood is a safe and nice place to live and focus on general housing issues.

The role involves reviewing information, data, questioning and influencing policy as well as the day to day business decisions that affect all tenants and leaseholders. The role is to be an 'advocate' for all tenants and leaseholders. This is not an opportunity to discuss your individual issues but to address issues that concern all tenants.

Tenant representatives do not require 'qualifications' but will be required to attend all meetings of the Homes PDG, of which there are 4 per year, to ensure that it is fulfilling its purpose and that tenants voices can be heard and taken into account. They may be offered a chance to participate in any working groups that the Homes PDG may establish.

Tenant representatives do not have voting rights on the Homes PDG but will be encouraged to provide the voice of our tenants. They must accept and share collective responsibility for the decisions taken by the Homes PDG and the recommendations it makes to the Cabinet.

Tenant representatives will be co-opted to the Homes PDG for a period of 1 year, after which time they can apply again.

Duties

- Always act in the best interests of MDH, its tenants and staff
- Accept collective responsibility for decisions, policies, and strategies
- Attend (in person at Phoenix House or on line) and be well prepared for meetings of the Homes PDG
- You feel able to prepare for the meetings by reading committee reports, financial and statistical information, and relevant paperwork (the preparation often requires several hours work).
- You will need access to a computer and broadband to join our meetings remotely and view documents in advance

- You are confident in using a computer, email, working with documents and websites
- Contribute effectively to discussions and decision making
- Exercise objectivity, care and attention in fulfilling your role
- Take part in (no-cost) ongoing training and other learning opportunities
- Respect and maintain confidentiality of information
- Treat others with respect and foster effective working relationships within the Homes PDG and between the Homes PDG and MDDC staff
- You must be able to recognise the need for confidentiality for certain agenda items, which may only be discussed with others, with our prior permission

Eligibility

You must be a current MDH tenant or leaseholder over 18 years of age and have been an MDH tenant or leaseholder for at least six-months.

In order to be eligible to apply for the position, applicants must not:

- be a Councillor or Officer of MDDC or have been so in the preceding 12 months prior to appointment
- be related to, or a close friend of, a Councillor or Senior Officer of the Local Authority
- have been convicted of any offence
- be an undischarged bankrupt
- have significant business/contractual dealings with MDDC
- have a proven history of vexatious and/or frivolous complaints at MDDC
- be in arrears with Housing Rent, Council Tax, Business Rates or have other outstanding debts owing to MDDC

What MDH offers Tenant Representatives?

Tenant representatives will receive remuneration of £500 per annum which is to compensate them for their time and effort in the role.

MDH offer Tenant representatives a dedicated staff resource to ensure that they are fully supported to carry out the role, this can include training and practical assistance if required.

The opportunity to make a difference in improving local housing services for residents in your community.

MINUTES of a MEETING of the COMMUNITY, PEOPLE & EQUALITIES POLICY DEVELOPMENT GROUP held on 3 December 2024 at 12.30 pm

Present

Councillors

B Holdman (Chair)
C Connor (Vice-Chair), M Farrell, A Glover,
C Harrower and H Tuffin

Apology

Councillor

A Cuddy

Also Present

Councillors

J Buczkowski, S Robinson and D Wulff

Also Present

Officers:

Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Paul Deal (Head of Finance, Property & Climate Resilience), Keith Ashton (Facilities Manager for Corporate Property and Commercial Assets), Dean Emery (Head of Revenues, Benefits & Leisure), Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

G Czapiewski and J Lock

Officers Online

Dr Stephen Carr (Performance and Improvement Manager) and Lewis Dyson (Resilience Officer)

23 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:52)

Apologies were received from Cllr A. Cuddy.

24 PUBLIC QUESTION TIME (00:04:01)

There were no members of the public present and no Public questions had been submitted.

25 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:13)

No interests were declared under this item.

26 **MINUTES OF THE PREVIOUS MEETING (00:04:31)**

The Minutes of the Meeting held on 24 September were approved as a correct record and **SIGNED** by the Chair.

27 **CHAIR'S ANNOUNCEMENTS (00:05:05)**

The Chair announced that workshops would be held in early 2025 to examine how a platform could be given to charities and community groups in the Mid Devon area to allow them to promote themselves.

28 **REGULATION OF INVESTIGATORY POWERS (RIPA) (00:06:10)**

The Group received and **NOTED** a report* from the Director of Legal, People and Governance (Monitoring Officer) on RIPA following the Investigatory Powers Commissioner's Office (IPCO) Audit and in accordance with the IPCOs recommendation that the Policy was presented to Members annually.

- The powers available to the Council had not been used since 2014.
- There had been a three year audit carried out in August 2024. The Inspector had been satisfied with the information provided.

The Group **RECOMMENDED** to Cabinet that the Council's policy for ensuring compliance with Regulation of Investigatory Powers Act 2000 (RIPA) is appropriate and shall remain as currently drafted.

(Proposed by Cllr C Connor, seconded by Cllr M Farrell)

The Group **NOTED** that the Council had not used its powers under RIPA since March 2014.

(Proposed through the Chair)

Reason for the decision

As set out in the report.

Note: *Report previously circulated.

29 **PERFORMANCE DASHBOARD - QUARTER 2 (00:08:49)**

The Group were presented with, and **NOTED**, a slide * showing performance information in the Community People and Equalities area for Quarter 2.

Since the Dashboard was last presented to this meeting, work had been ongoing to create a glossary. This contained all the measures used as part of the Dashboards and provided a definition for each. The definitions aimed to provide a fuller

understanding of what was being measured and how. This was available on the Council's website.

The following was referred to:

- There was one Corporate Risk relating to this PDG, that being Severe Weather Emergency Recovery which was at 12 and increasing.
- Two indicators that were shown as red on the dashboard related to "Let's Talk Mid Devon", the Communications Team were continuing to push use of the site and had recently launched the annual Residents Survey on the site which would encourage people to sign up and register. The team were having discussions with service areas to ensure that it was the best the platform for their needs and that work would feed into future planning around the platform. The platform had been licenced until January 2026.
- The Resident's survey was live from 30 October to 11 December 2024.
- Licenced vehicle inspections were in red due to the fact that the majority of vehicles were due for inspection later in the year, so performance should increase in quarters 3 and 4.
- With regard to Food Service total inspections completed (also in red), the new performance indicator replaced the simple count of the number of inspections completed. The "food safety inspections" performance indicator had been replaced with the more meaningful "Food Service – Total Inspections completed". Inspections were prioritised based on risk, with bands A to C achieving 100% targets over quarters 1 and 2.
- With regard to private water supply sampling (also in red), a risk based approach was being employed and sampling had commenced in October.

Discussion took place regarding:

- Licenced vehicle inspections were low in the early part of the year as the vehicles were not due for inspection until later in the year.
- Private water supply sampling had been paused in quarters 1 and 2 to allow the team to do some review work but the programme had recommenced from October 2024 using a more "risk based" approach, so that higher risk properties were prioritised in terms of sampling.

Note: * Slide previously circulated.

30 MEDIUM TERM FINANCIAL PLAN (MTFP) FOR 2025/26 (00:15:00)

The Group had before it and **NOTED** a report* from the Deputy Chief Executive (S151 Officer) presenting the updated Budget for 2025/26 and took account of the Council's key strategies and demonstrated that it had the resources to deliver the new Corporate Plan.

The Head of Finance, Property and Climate Resilience presented the report and the following was highlighted:

- The report provided an update on progress made on setting the budget and outlined options for the remaining shortfall.

- The report provided clarity on service areas falling under the remit of this Policy Development Group and showed the movement to date in the process of trying to set the budget for 2025/2026 and beyond.
- The Council were awaiting Government announcements over the following three to four weeks which would hopefully close the remaining gap for next year.
- A report going to Cabinet in December 2024 would present the very latest position ahead of the Council needing to agree a budget in February 2025.

Discussion took place regarding:

- SES 22 Pest Control was now a reactionary service and so did not carry a budget. This line would drop out of the MTFP.

Note: Report previously circulated.

31 **CCTV POLICY (00:19:16)**

The Group had before it and **NOTED** a report * from the Head of Finance, Property & Climate Resilience presenting the updated Policy and Codes of Practice to Members for approval.

The contents of the report were outlined with particular reference to the following:

- The updated Policy and Codes of Practice had undergone a thorough review based upon the previous 3 years' experience. It had been examined by an external consultant, internally by the Legal Department and the Data Protection team.
- The majority of any changes were to ensure consistency between the Policy and the Codes.

RECOMMENDED to the Cabinet that:

1. The Surveillance and CCTV Policy (Annex A), Code of Practice for Surveillance Camera Systems operated by Mid Devon District Council (Annex B), Code of Practice for operation and management of Body Worn Video Cameras (Annex C) and Code of Practice for management and operation of CCTV on Street Scene Vehicles (Annex D) be **APPROVED**.
2. Delegated authority be granted to the Head of Finance, Property and Climate Resilience to make minor amendments to the Surveillance and CCTV Policy and Codes of Practice as required by changes to legislation, formal guidance or local operational considerations.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

32 **MOTION 606 WASPI (00:21:48)**

The Group had before it a report * from the Head of Revenues, Benefits and Leisure presenting the revised Motion 606 previously set before Full Council on 30 October 2024.

The proposer of the Motion, Cllr S Robinson, outlined the contents of the report with particular reference to the following:

- This Motion had been substantially revised since it had been before Full Council on 30 October 2024.
- Circa. 11,800 women in the Mid Devon district had been affected, circa. 800 of whom had since died.
- The Parliamentary and Health Service Ombudsman had found that the Department of Work and Pensions had committed maladministration by not adequately communicating the increase in state pension age eligibility to women born in the 1950's.
- Many women had not been informed by Central Government via letters in the post of the changes being made to their pension age.
- Many women had lost opportunities and been left in poverty.
- There had been a broader impact on voluntary services of all kinds locally who were missing out on able active volunteers.
- The aim of the Motion was to encourage all parliamentary groups to set out their stall regarding this miscarriage.

RECOMMENDED to Full Council that:

The revised Motion 606 be supported.

(Proposed by Cllr M Farrell and seconded by Cllr H Tuffin)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

33 **WORK PROGRAMME (00:29:53)**

The Group had before it and **NOTED** the current work programme* for the Community, People and Equalities Policy Development Group (PDG) for 2024/2025.

Members were asked to consider whether there were any other areas that they wanted to focus on, in addition to those already in the work programme.

The proposed item on workshops relating to the community and voluntary sector was added to the Agenda for 25 March 2025.

Note: * Work Programme previously circulated.

(The meeting ended at 1.01 pm)

CHAIRMAN

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MINUTES of a MEETING of the PLANNING, ENVIRONMENT & SUSTAINABILITY POLICY DEVELOPMENT GROUP held on 26 November 2024 at 5.30 pm

**Present
Councillors**

G Cochran (Vice-Chair), C Adcock,
C Connor, G Czapiewski, C Harrower,
L Knight and S Robinson

**Apologies
Councillors**

B Fish and A Glover

**Also Present
Councillor**

J Buczkowski

**Also Present
Officer(s):**

Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Jason Ball (Climate and Sustainability Specialist), Elaine Barry (Planning Obligations Monitoring Officer), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery) and Angie Howell (Democratic Services Officer)

**Councillors
Online**

B Fish and G Westcott
N Bradshaw, E Buczkowski, S Chenore, S J Clist,
S Keable, J Wright and D Wulff

Officers Online

Dr Stephen Carr (Corporate Performance and Improvement Manager), Tristan Peat (Forward Planning Team Leader) and Poie Li (Forward Planning Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS (00:06:04)

Apologies were received from Cllr B Fish and Cllr A Glover with Cllr S Robinson attending as her substitute.

2 PUBLIC QUESTION TIME (00:06:50)

There were no public questions.

3 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:06:55)

No interests were declared under this item.

4 **MINUTES OF THE PREVIOUS MEETING (00:07:02)**

The minutes of the last meeting held on 3 September 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

5 **CHAIR'S ANNOUNCEMENTS (00:07:45)**

The Chair had no announcements to make.

6 **MEETING MANAGEMENT (00:07:57)**

The Chair advised that he would be bringing forward the following Agenda Items:-

- (i) 13 – Cabinet Member for Environment and Climate Change Update
- (ii) 14 – Climate Strategy and Action Plan

This would be to give SASSY (Serious about a Sustainability Society and Led by Youth) the opportunity to stay and observe those reports.

7 **SERIOUS ABOUT A SUSTAINABILITY SOCIETY AND LED BY YOUTH (SASSY) - PRESENTATION (00:08:10)**

The Group received a presentation from SASSY (Serious about a Sustainability Society and Led by Youth).

A summary of the information provided was as follows:-

- SASSY was a small group of young people which were brought together by Sustainable Tiverton Youth Development and had been running for over 6 months.
- Funding had been received from Transition Together and Devon Communities Foundation to recruit a Development Worker.
- At a Community Forum where members of the public were invited to attend the request was to get more young people involved. It was felt that 18-35 year olds had been ignored but they wanted to help with decision making in terms of where funds were being spent.
- There were concerns locally in Devon regarding bad flooding, vanishing wildlife and green spaces, litter, pollution and sewerage in rivers and beaches.
- SASSY's aims included enabling young people to be part of the climate conversation in Tiverton, to empower them to create projects of their own, to create conditions for new ways to engage and see themselves as change makers and to be representatives of the Tiverton Society.
- They were currently working on 3 areas of activity which included:-
 - (i) Mapping what was already in existence for young people in Tiverton;
 - (ii) Youth pop up events which included an apple pressing day and litter picking walks
 - (iii) Vox Pop Listening Projects – with a grant received from Devon Community Foundation, young people were employed to gather sound recordings of young people talking about climate related concerns. This was also played as a recording to the Group.

- Their Manifesto included developing more youth projects; challenging stereotypes; to build connections, to address green transport, for there to be more local jobs and apprenticeships and to ask the Council how they are facing climate change.

Discussion took place with regard to:-

- How SASSY could contribute working with MDDC – it was explained that SASSY felt there was a lack of events locally as events tended to be more focussed in Exeter and that projects in Tiverton were more directed towards older people. They would like to get schools involved.
- Whether SASSY would be interested in giving a formal update to the Policy Development Group (PDG) or the Net Zero Advisory Group (NZAG) every 6 months. It was explained that this particular project would end soon as it would be running out of funding but that the group could attend to give an update.
- Junior Wildlife Warden Projects and the possibility of them working together.
- Whether Members could receive a copy of their Manifesto and a list of events that they could be involved with and share with others.

The PDG thanked SASSY for their presentation.

8 **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE UPDATE (00:36:44)**

The Group had before it, and **NOTED** a report* from the Cabinet Member for Environment and Climate Change which was presented by the Climate and Sustainability Specialist Officer.

The following was highlighted within the report:-

- The 4 appendices would be presented to Cabinet on 10 December 2024.
- New rapid EV chargers were operational in Cullompton and Tiverton with Crediton to follow.
- Devon County Council's LEVI (Local Electric Vehicle Infrastructure) procurement was due to go out to tender on Tuesday 3 December.
- Mid Devon locations would benefit. The majority of subsidy will benefit on-street residential areas and parish/community car parks.

Discussion took place with regard to:-

- Engaging with the community by using specific techniques such as social media, meetings and forums to reach a range of different audiences.
- Suggestions with regard to holding an annual forum to showcase work that the community were involved with.
- Whether the Council would be in a position to show progression against targets annually? It was explained that the Action Plan would try to achieve this and would show work to be undertaken.

Note: * Report previously circulated.

9 CLIMATE STRATEGY AND ACTION PLAN (00:39:50)

The Group had before it a report * from the Cabinet Member for Environment and Climate Change which was presented by the Climate and Sustainability Specialist Officer.

The following was highlighted within the report:-

Draft Climate Change Strategy and Climate Action Plan

- The Climate Change Strategy gave an overview of the district and where the Council were and looked at what could be achieved.
- There was room for ideas, debates and discussions with the core document being a starting point for engagement in the community.
- The Strategy would be the overarching document and would be set for 4 years with the Action Plan being renewed annually.

RECOMMENDED to Cabinet that the appended enclosure be approved.

(Proposed by Cllr S Robinson and seconded by Cllr L Knight)

Biodiversity Duty Action Plan

- The role and content of the Action Plan was debated at every Policy Development Group (PDG) and the Planning Policy Advisory Group (PPAG).
- The tables of actions related to each PDG remit.

RECOMMENDED to Cabinet that the appended enclosure be approved.

(Proposed by Cllr L Knight and seconded by Cllr C Connor)

Green Enterprise Grants

- The proposal built on the success of a grant pilot scheme for Small and Medium Sized Enterprises (SMEs) in Mid Devon to enable investment to reduce environmental impact. The Economic Development Team had awarded £24,245 in capital funding from the Heart of the South West Local Enterprise Partnership (Local Growth Fund).
- The proposal was now to develop the next phase of the Green Enterprise Grants using Mid Devon District Council funding.

RECOMMENDED to Cabinet that the Economic Development Team and the Climate Sustainability Specialist develop the next phase of the Green Enterprise Grant Scheme in consultation with the Head of Finance, Property and Climate Resilience

(Proposed by Cllr S Robinson and seconded by Cllr G Czapiewski)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

10 **PERFORMANCE DASHBOARD Q2 2024/25 (00:59:40)**

The Group were presented with and **NOTED** the Performance Dashboard for Quarter 2 2024/25. The following was highlighted within the report:-

- The overall performance was presented in the pie chart.
- Since the dashboard was last presented work had been completed on a glossary. This provided a description of each measure and could be viewed on the Council's website.
- There was 1 corporate risk related to this Policy Development Group.
- Two financial measures related to capital projects were showing as red performance due to project slippage. The scope of two of those projects was being further refined and two were being led by the Environment Agency.
- Building Control Income was slightly below budget due to the depressed housing market.

Note: * Performance Dashboard previously circulated.

11 **MEDIUM TERM FINANCIAL PLAN (MTPF) 2025/2026 (01:02:32)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan (MTPF) which covered the period 2025/26 to 2028/29 for the General Fund (GF) and considered additional savings.

The Head of Finance, Property and Climate Resilience presented the report and the following was highlighted:

- The report provided an update on progress made on setting the budget and outlined options for the remaining shortfall.
- The report provided clarity on service areas falling under the remit of this Policy Development Group and showed the movement to date in the process of trying to set the budget for 2025/2026 and beyond.
- The Council were awaiting Government announcements over the next 3-4 weeks which would hopefully close the remaining gap for next year.
- A report going to Cabinet in December 2024 would present the very latest position ahead of the Council needing to agree a budget in February 2025.

Discussion took place regarding:-

- Waste recovery set up costs for new housing developments.

Note: * Report previously circulated.

12 **INFRASTRUCTURE FUNDING STATEMENT; THE INFRASTRUCTURE LIST (01:09:55)**

The Group had before it a report * from the Director of Place and Economy to consider the Infrastructure Funding Statement; the Infrastructure List.

The Group Manager for Growth, Economy and Delivery presented the report and the following was highlighted:-

- Local Planning Authorities (LPA) were required to publish an Infrastructure Funding Statement annually and by 31 December 2024.
- This Statement included a summary of developer contributions and spend from the previous financial year.
- An Infrastructure List also identified the infrastructure requirements to support the delivery of the adopted Local Plan.
- It was reviewed regularly by officers, with Members input, to ensure it was fit for purpose.

Discussion took place regarding:-

- Youth Team Facilities and why it was prioritised in the way it was.
- Rail infrastructure throughout Mid Devon with the suggestion under Priority 2 in Appendix 1 – Sustainable Travel to widen the definition to include “District Wide Railway Infrastructure”.
- The importance of the SEND (Special Educational Needs and Disabilities) Facility and the suggestion under Priority 1 Appendix 1 - Education Category to include “post 16 provision”.
- Whether there was a need to expand the current Fire and Rescue Service or other emergency services due to the additional builds.
- Criminal Justice Centre and the level that would be? It was explained that this would be guided by partners to identify needs.
- The difficulties in accessing health facilities and the state of the NHS and prioritising this accordingly.

RECOMMENDED to Cabinet that:-

- i) The list of infrastructure (Appendix 1; the Mid Devon Infrastructure List) that the Council intends to fund, either wholly or partly, by developer contributions is approved.

(Proposed by Cllr L Knight and seconded by Cllr C Harrower)

- ii) The Infrastructure List is included within the annual Infrastructure Funding Statement (IFS) to be published on the Council’s website by 31st December 2024.

(Proposed by Cllr L Knight and seconded by Cllr S Robinson)

Reason for the decision

As set out in the report.

Note *Report previously circulated.

13 THE WILLAND NEIGHBOURHOOD PLAN (01:30:01)

The Group had before it a report * from the Director of Place and Economy to consider the Willand Neighbourhood Plan.

The report was presented by the Forward Planning Team Leader and the following was highlighted within the report:-

- There were currently 4 Adopted Plans in Mid Devon.
- A Neighbourhood Plan gave communities the opportunity to have a greater say on developments taking place.
- Willand Parish Council had prepared the Neighbourhood Plan which covered the whole of the parish of Willand. The preparations had included a draft plan and consultation on regulations and had been published in April 2024.
- It had since been examined by an independent examiner.
- The Council now had to consider the examiners recommended modifications and decide whether the Neighbourhood Plan should proceed to a local referendum.
- Should Cabinet agree with the recommendations at its meeting on 7 January 2025 a decision statement would be published and the referendum would proceed on 27 February 2025.
- Following the referendum if more than 50% voted yes then the Neighbourhood Plan would come into force as part of a Statutory Development Plan.
- The Neighbourhood Plan must be adopted within 8 weeks of the local referendum.

Discussion took place regarding:-

- Whether Willand Parish Council had accepted the recommendations? It was explained that they had accepted them.
- What would happen if the Neighbourhood Plan was rejected? It was explained that the plan would not proceed.
- Whether there was the possibility of postponing the referendum and carry it out at the same time as the Devon County Council elections? This could not happen due to the strict timetable. The referendum had to take place within 56 days of the decision notice being published.
- Whether the Neighbourhood Plan was compatible with the National Policy Planning Framework. It was explained it had gone through the basic checks necessary for the purpose of the plan going to referendum.

RECOMMENDED to Cabinet that:-

- (i) The Examiner's modifications (Table 3) and the factual corrections (Table 2) be agreed, and that subject to these modifications the Willand Neighbourhood Plan is determined to meet the Basic Conditions (as defined in the Town and Country Planning Act 1990 Schedule 4B) and other legislative requirements;

(Proposed by Cllr S Robinson and seconded by Cllr G Czapiewski)

- (ii) The Decision Statement attached at Appendix 2 be approved to be published on the Council's website; and (iii) the Willand Neighbourhood Plan (at Appendix 3) as modified with the Examiner's modifications and factual corrections, proceeds to a local Referendum based on the boundary of the Willand Neighbourhood Area as recommended by the Examiner

(Proposed by Cllr C Harrower and seconded by Cllr C Adcock)

Reason for the decision

As set out in the report.

Note *Report previously circulated.

14 REPORT ON MOTION 605 (01:49:11)

The Group had before it a report * from the Director of Place and Economy considering Motion 605.

The following was highlighted within the report:-

- Motion 605 was previously put before Full Council in September 2024.
- It was agreed at Full Council that this Policy Development Group considered the Motion and refine it to make recommendations to Full Council in terms of how this Motion might be best presented.

Following discussion it was **RECOMMENDED** to full Council to support and approve the updated wording of the Motion as below:

a) Mid Devon District Council recognises and notes the huge contribution made by our farmers, growers and the food and drink industry to the local economy and environment.

b) Mid Devon District Council commits to further developing our partnerships with key organisations alongside our arable, livestock and dairy farmers to enhance our beautiful countryside.

c) Mid Devon District Council also commits to supporting our local farmers, growers and the food and drink sector by, where possible, ensuring that all food and drink provided at Council organised events is sourced from local suppliers, to include meat and dairy as well as plant based produce. Efforts will also be made to promote locally sourced or produced organic items.

d) That the Council encourages and promotes local suppliers and locally produced products in other events hosted within Mid Devon.

e) As part of tackling the environmental priorities for Mid Devon District Council and fulfilling our biodiversity duty, the Council will consider ways to encourage our residents to shop locally, taking full advantage of home-grown, affordable and nutritious produce, including meat, dairy and plant based options, thus reducing food miles to our tables and boosting the local economy.

(Proposed by Cllr L Knight and seconded by Cllr C Connor)

Note *Report previously circulated.

15 SECTION 106 GOVERNANCE FRAMEWORK (PART B RECORDING 00:09:03)

The Group had before it a report * from the Director of Place and Economy considering the S106 Governance Framework.

The Planning Obligations Officer presented the report and the following was highlighted:-

- S106 agreements were entered into in order to mitigate the impact of development and make it acceptable in planning terms.
- They may include obligations on the developer to make a financial contribution and usually contained obligations on the Council to spend any money collected, in accordance with the terms of the agreement.
- The report proposed an updated approach to the Council's S106 governance arrangements and would provide Members with more visibility and input into the spend process.
- Officers had reviewed those arrangements and looked to refine them, to bring them up to date to reflect best practice, to use experience gained over the last few years and to ensure that they were consistent with the latest government regulations.
- Attached to the report was the proposed governance framework, which set out the arrangement on the nature of the S106 spend and provided clarity in terms of when decisions were delegated to Planning Officers and the conditions where more significant decisions needed to go to the Board for consideration.
- Also included were the Terms of Reference, which set out the purpose and expectations of the Board and the decision making process.
- Those governance arrangements were due for consideration by Cabinet in December 2024.

Discussion took place regarding:-

- The need to change Section 4 Paragraph 3 to now state "Highways and Transport Infrastructure".
- The process where S106 funding was applied for and received.
- How the need for spending S106 funding was identified.
- Whether S106 funds must be spent within 10 years and how this was monitored. It was explained that it must be spent within 10 years and it was closely monitored by a board of officers.

RECOMMENDED to Cabinet that the revised S106 Governance arrangements (Appendix 1; Mid Devon District Council S106 Governance Framework) are approved with the additional amendment of:-

- (i) Section 4 Paragraph 3 to state “Highways and Transport Infrastructure”.

(Proposed by Cllr S Robinson and seconded by Cllr L Knight)

Reason for the decision

The S106 Governance had been updated as a result of a best practice review to ensure that the Mid Devon Framework and Governance arrangements remained the most appropriate and effective approach to S106 management and monitoring.

Note *Report previously circulated.

16 PLANNING SUMMARY REPORT (PART B RECORDING 00:28:31)

The Group had before it, and **NOTED** a report* from the Director of Place and Economy summarising activity undertaken in relation to planning matters. The following was highlighted within the report:-

- The report summarised the actions from the proceeding months in relation to planning matters. The following updates were included within the report:-
 - (i) New National Planning Policy Framework (NPPF)
 - (ii) New Local Plan
 - (iii) Development Management Policies
 - (iv) Development Management
 - (v) S106
 - (vi) Conservation
 - (vii) Building Control
 - (viii) Planning Enforcement

Note: * Report previously circulated.

17 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (PART B RECORDING - 00:29:43)

The items already listed in the work programme for the next meeting in March 2025 were **NOTED**.

Cllr B Fish suggested inviting Richard Somerwill to attend the next meeting of the PDG in March 2025 to give a presentation on the Tiverton to Exeter Cycle Way – this was **AGREED**.

(The meeting ended at 20.24pm)

CHAIR

MINUTES of a MEETING of the SERVICE DELIVERY & CONTINUOUS IMPROVEMENT POLICY DEVELOPMENT GROUP held on 2 December 2024 at 5.30 pm

Present

Councillors

M Fletcher (Chair)
M D Binks, C Connor, M Farrell, C Harrower
(Vice-Chair), M Jenkins and J Poynton

Apologies

Councillors

B Fish and A Glover

Also Present

Councillor

J Wright

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Matthew Page (Head of People, Performance & Waste), Paul Deal (Head of Finance, Property & Climate Resilience), Dean Emery (Head of Revenues, Benefits & Leisure), Andy Mackie (Leisure Services Manager), Darren Beer (Operations Manager for Street Scene), Luke Howard (Environment and Enforcement Manager) and Sarah Lees (Democratic Services Officer)

Councillors

Online

E Buczkowski, J Buczkowski, G Czapiewski, J Lock,
D Wulff and L Taylor

Officers Online

Laura Woon (Democratic Services Manager)

32 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr B Fish and Cllr A Glover.

33 PUBLIC QUESTION TIME

There were no questions from members of the public.

34 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

35 **MINUTES**

The minutes of the previous meeting held on 23 September 2024 were approved as a correct record and **SIGNED** by the Chair.

36 **CHAIR'S ANNOUNCEMENTS**

The Chair had the following announcements to make:

1. He informed the Group that he and the Cabinet Member for Service Delivery and Continuous Improvement had visited the Leisure Centres recently and had enjoyed the experience greatly and learnt a lot. Sessions would be arranged with the remaining members of the Group to visit the Leisure Centres early in the new year and various drop in sessions and times to suit would be offered.
2. He reminded the Group that there were lots of service areas falling under the remit of this Policy Development Group and that their area of responsibility was wide and very impactful upon the residents of Mid Devon. He encouraged colleagues to bring forward ideas to enhance service provision where the Group could.

37 **PERFORMANCE DASHBOARD Q2 (00:15:00)**

The Group were presented with, and **NOTED**, a slide * showing performance information in the Service Delivery & Continuous Improvement area.

Since the Dashboard was last presented to this meeting, work had been ongoing to create a glossary. This contained all the measures used as part of the Dashboards and provided a definition for each. The definitions aimed to provide a fuller understanding of what was being measured and how. This was available on the Council's website.

The following was referred to:

- There was only one Corporate Risk in relation to this Group. 'Operation of a Waste Service' and there had been no change from the previous quarter.
- Staff turnover had slightly increased over quarter 1.
- Council Tax collection was slightly behind target.
- Agency spend was slightly increased as there had been some issues with not having enough loaders on the waste lorries.

Discussion took place regarding:

- A multi-year pay settlement would need to be agreed at the right level.
- Household recycling rates were slightly above target and the Group wished for their thanks to be passed on to the Waste Team for this continuing positive statistic.

- The 'Public Survey engagement rate statistic was new and needed to be monitored closely going forwards to see what could be done to improve it.
- The leisure service were running a number of retention campaigns at the moment.

Note: * Slides previously circulated.

38 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF) (00:27:00)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151 Officer) presenting the options to update the 2025/2026 budget for consideration / approval.

The following was highlighted within the report:

- The report provided a 'refresh' of the service areas falling under the umbrella of this Policy Development Group and showed the movement to date in the process of trying to set the budget for 2025/2026 and beyond.
- The report introduced the General Fund Capital Programme which was still being refined in the background.
- Appendix 1 showed the services falling under the remit of this Policy Development Group.
- Waste & Recycling and the Leisure Service were doing really well in terms of income gains.
- The report outlined how the current budget gap may be closed given assumptions regarding the Government settlement.
- A report going to Cabinet in December 2024 would present the very latest position ahead of Council needing to agree a budget in February 2025.

Note: * Report previously circulated.

39 **NATIONAL ASSISTANCE BURIAL POLICY REVIEW (00:29:00)**

The Group had before it a report * from the Head of Finance, Property & Climate Resilience presenting the revised Policy for National Assistance Burials.

The contents of the report were outlined with particular reference to the following:

- This was a simple update to an existing policy.
- Section 1.4 listed the changes that had been made.
- In summary, the policy covered circumstances where the deceased did not have any family. On average, there were about 3 such occurrences each year.

Discussion took place regarding:

- A possible review of the Funeral Directors used in order to check that the Council was using the most suitable and local firm.
- Would the numbers be likely to increase given the number of fractured families in existence? No projections had been made but this could be looked into. There had been 36 deaths since 2006 where the policy had had to be used.

RECOMMENDED to the Cabinet that:

The revised Policy for National Assistance Burials be adopted.

(Proposed by Cllr C Harrower and seconded by Cllr M Jenkins)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

40 WASTE AND RECYCLING OPTIONS (00:36:00)

To receive a report * from the Operations Manager for Street Scene and Open Spaces and the Head of People, Performance and Waste building upon previous options regarding the provision of extra service provision. It also set out future options regarding the provision of the Waste and Recycling service to the residents of the District together with proposed pilots of new services.

The contents of the report were outlined and consideration was given to:

- The report set out the future plans of the Waste Service and details were provided of the proposed pilot schemes.
- Further updates would be provided to the Group regarding coffee pods and blister packs at future meetings.
- The cost of the trial for recycling nappies would be approximately £4.5k. It would cost around £280k per annum to roll this scheme out fully should it be so desired following the pilot. This needed to be made financially more viable as these were significant costs. The tonnage of waste may reduce if the number of nappies in waste collections was reduced.
- The Council had heard that the Government had made a decision such as to allow Council's to continue with 3 weekly collections. This was very positive news.
- The team were looking at breaking into the top 5% nationally for recycling rates.
- Parents needed to be encouraged to use re-useable nappies where possible and there needed to be a proactive campaign to encourage new parents in this regard. It was confirmed that this would be added into communications.
- It was recognised that there were pro's and con's for using terry nappies.
- The Council was working with 'NappiCycle' in Wales who had been recycling nappies successfully for a number of years.
- It was confirmed that there was a comprehensive Waste and Recycling Strategy for next year both in terms of Christmas and looking further ahead. All campaigns would be incorporated into this
- There was some concern that pots and pans would be put out for collection rather than taken more appropriately to recycling centres or charity shops.

RECOMMENDED to the Cabinet that:

Trials be undertaken to introduce the following practices in the District:

- Nappy waste collections
- Collecting unwanted metal pots and pans
- New house builders be charged for new bins and containers to each new property.

(Proposed by the Chair)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

41 **EXTENDER PRODUCER RESPONSIBILITY (EPR) (00:54:00)**

The Group had before it, and **NOTED**, a report * from the Operations Manager for Street Scene and Head of People, Performance and Waste. The report considered the potential payments the Council would receive in 2025-26 with regards to Extended Producer Responsibility (EPR) and information regarding the Collection and Packaging Reforms and in particular the implementation and management of the EPR scheme.

The contents of the report were outlined and particular reference made to the following:

- It was explained that legislation in the Environment Act 2021 would enable waste reforms such as Extended Producer Responsibility (which ensured producers paid the full costs of packaging in waste for both collection and disposal), a Deposit Return Scheme for single use drink containers and simpler recycling guidance, which would aim to boost recycling rates in households and businesses.
- The packaging costs and performance model calculated the 'basic payment amount' to be paid to individual local authorities for the necessary costs incurred for the collection, handling, treatment and disposal of household packaging waste. The amount was net of income from the sale of recyclate as part of the efficient and effective service, which included administration and communication.
- The Scheme Administrator (appointed by Defra) was responsible for calculating producer fees and local authority payments.
- It was hoped that more detail would be provided once the Government settlement had been received.

Note: * Report previously circulated.

42 **QUARTER 2 ENVIRONMENT AND ENFORCEMENT PERFORMANCE REPORT (00:57:00)**

The Group had before it, and **NOTED**, a report from the Head of People, Performance and Waste providing a quarterly update on key environment enforcement performance data including fly tipping, littering, Public Spaces Protection Order (PSPO) and the issuing of Fixed Penalty Notice (FPN's). It also gave a brief summary of Car Parking performance and the issuing of Parking Charge Notice's (PCN's).

The contents of the report were outlined with reference to the following:

- There had been a slight increase in income from car parking.
- The number of fly tipping instances had slightly dropped.

It was **AGREED** that the report presented a positive position at quarter 2.

Note: * Report previously circulated.

43 **COLLECTION OF COUNCIL TAX & BUSINESS RATES (00:58:00)**

The Group received, and **NOTED**, a presentation * from the Head of Revenues, Benefits, Corporate Recovery, Corporate Fraud, Welfare & Leisure explained how Council Tax and Business rates were collected. The Group had requested at their last meeting that they receive further information regarding how Council Tax and Business Rates were collected.

The following was highlighted within the presentation:

Council Tax Billing & Recovery:

- Gross Debt £ 86,733,094 million
- Net Collectable Debt £ 74,560, £170 million
- Total Dwellings 38,549k
- Reliefs/Discounts/Disregards Overall Total £ 12,172,924 million
- Council Tax Reduction £ 4,881,827million (part of the £12.9m)
- Council Tax was calculated by bands **A, B, C,D,E,F,G & H** properties were allocated those by the Valuation Office Agency.

Business Rates (also known as National Non Domestic Rates (NDR)):

- Gross Debt £ 28,654,229m
- Net Collectable Debt £ 18,066,623m
- Reliefs / Exemptions £ 10,587,606m
- Total Hereditaments 3553
- Rateable values are calculated by the Valuation Office Agency (part of HMRC)
- Some reliefs were fully funded under Section 31
- Income and costs are monitored by Government via complex returns, NDR1 & NDR3
- Income and costs were shared by
 - Government 50%

- Billing Authority 40%
- County Council 9%
- Fire Authority 1%

How is collection calculated?:

The formulae as shown below applies to Council Tax and Business Rates (NDR Example):

Net Collectable Debit	£ 18,066,623 (A)
Net Payments	£ 11,987,569 (B)
(B) divided by (A)	66.35%

Collection results were reported to the Government via a complex return at the end of the financial year (QRC4).

Collection was monitored monthly and compared to the previous years %.

Collection Methods:

- Annual Bill / Adjustments Notices / New Bills (10 or 12 statutory instalments or months as let with the financial year)
- Reminders
- Summons
- Court Order (Liability Order) - when granted further powers were granted by law, these were:
 - Attachment of Earnings
 - Attachment to Members allowances
 - Special arrangements
 - Enforcement Agents
 - Charging Orders
 - Bankruptcy
 - Committal
 - Business rates allowed for a County Court application rather than applying for a Liability Order at the Magistrates Court
 - Council Tax (SI 613)
 - Business Rates (SI 1058)

Discussion took place regarding:

- When somebody builds an extension it was not the case that the banding of the property was automatically reassessed. This would usually happen when the property was either sold or leased. A banding may not necessarily change just because an improvement had been made to a property.
- Residents had the option of paying 12 month's worth of Council Tax over 10 months.
- Mid Devon District Council had the highest collection rates in Devon and Somerset and nationally were in the top 5%.
- The last quarter of each year was the busiest for the service area as not only were they trying to collect outstanding monies for the year but also recalculating amounts due for the coming year.

- The service area worked hard to communicate with people who were suffering financial hardship and often made referrals to support agencies that could help in a number of different ways. It was important that Council Tax payers contacted the Council as soon as possible if they were beginning to experience problems regarding repayment.

Note: * Presentation previously circulated.

44 **LEISURE SERVICE - VERBAL UPDATE (01:15:00)**

The Group received a verbal update from the Operations Manager for Leisure Service regarding current activity within the Leisure Services area.

This included the following information:

- The Leisure Service was currently seeing it's highest ever membership base and was working hard on retention campaigns, customer and community engagement. Managers had clear objectives and were cascading these and the priorities for the service through the wider team as part of the appraisal process.
- Despite the positive increase in revenue, the team were in the midst of some significant challenges with staffing, particularly the swimming pools, where day time cover during the week was proving problematic. It was to the credit of the Duty Officers and Centre Managers that the impact of the shortage was not being more widely felt. Recruitment and training was an ongoing priority.
- There had been some changes to the Management Team with a new Centre Manager for Exe Valley and Culm Valley starting soon, and a new Duty Officer starting in early December 2024.
- In the community the Leisure Service were working with Active Devon to provide 'wellbeing walks' in Tiverton, Crediton and Cullumpton, those would be led by volunteers and be completely free of charge. This reinforced Leisure's commitment to providing accessible health and wellbeing for all members of the community.
- Another community driven project was with the NHS. Within the Royal Devon & Exeter area they had several community sites which retained small patient gym spaces. These were both for musculoskeletal problems (e.g back pain, knee pain etc) and wider health conditions (e.g stroke, amputees, cancer etc.) An NHS England drive was to provide care closer to home, and within local communities (vs large hospital sites). With this in mind, Leisure had donated two studio cycling bikes to be used in these community sites, again strengthening the Council's collaboration and showing how it valued the health of its communities.
- There were some significant projects coming to fruition in the coming months. The digital transformation had started with the Leisure Management System contract being awarded which would be the start of a major improvement to the way in which the service operated, offering it valuable reporting tools and dashboards to help it improve timetabling and run a more efficient service.

- Culm Valley gym, studio and squash court refreshes were underway and would greatly enhance the user experience, bringing the facility up to a more contemporary standard.
- The swimming pool sites would see a refurbishment of the wet-side changing rooms in March 2025 and the team were working on logistics of this to minimise the impact of the work, and to ensure a quality finish consistent at both sites.
- Despite the challenging resource issues, the leisure team had made some major steps forward with the service with more to come and would welcome anyone who would like to visit the sites and have a chat with the Management Team to get in touch.

Discussion took place with regard to:

- The Chair commented that the Culm Valley gym was looking 'fantastic' following the recent refurbishment.
- The Operations Manager would be looking to seek out volunteers to help with possible park runs in the future.
- The service was looking to strengthen partnership relationships in the future with regard to providing support in the mental health area. There were lots of things the Leisure Service were already doing but they had yet to be pulled together into a formalised framework.

The Chair thanked the officer for his helpful update.

45 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:22:00)**

The items already listed in the work programme for the next meeting were **NOTED**.

In addition to this, the Group requested that early in the new year a workshop be arranged for the Group to discuss their work programme for the coming year and the areas they particularly wanted to focus on. As mentioned earlier in the meeting there was a wide range of service areas falling under their remit with some key priority areas and their meetings needed to be as constructive as possible whilst always remembering the key aims and objectives of the Council's Corporate Plan.

(The meeting ended at 6.55 pm)

CHAIR

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MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 4 December 2024
at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
G Cochran (Vice-Chair), F J Colthorpe,
G Czapiewski, J M Downes, G Duchesne,
C Harrower, B Holdman, M Jenkins,
S Robinson and D Wulff

Apologies

Councillor(s)

S J Clist and N Letch

Also Present

Councillor

S Keable

Also Present

Officer(s):

Richard Marsh (Director of Place & Economy), John Hammond (Development Management Manager), Adrian Devereaux (Area Team Leader), Daniel Sims (Planning Officer), Holly Brimson (Planning Officer), Andrew Gunn (Planning Officer), Planning Officer and Angie Howell (Democratic Services Officer)

Councillors

Online

J Buczkowski and L Knight

Officers Online

Maria De Leburne (Director of Legal, People & Governance and Monitoring Officer) and Stephen Carr (Corporate Performance and Improvement Manager)

62 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:27)

Apologies were received from Cllr S Clist with Cllr J Downes substituting and Cllr N Letch with Cllr D Wulff substituting.

63 PUBLIC QUESTION TIME (00:03:51)

There were no public questions.

64 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:03:58)

Members were reminded of the need to declare any interests where appropriate.

Cllr M Jenkins made a declaration of interest in accordance with Protocol of Good Practice for Councillors dealing with planning matters regarding planning application 24/01102/FULL (Creation of 2 parking spaces at Land at NGR 282699 102593, Crofts Estate, Sandford) in that he had received correspondence.

65 MINUTES OF THE PREVIOUS MEETING (00:04:39)

The minutes of the previous meeting held on 9 October 2024 were agreed as a true record and duly **SIGNED** by the Chair.

66 CHAIR'S ANNOUNCEMENTS (00:04:58)

The Chair wished to introduce to the Members of the Planning Committee 2 officers that they might not have met before Andrew Gunn, Planning Officer and Holly Brimson, Planning Officer. He welcomed them to their first Planning Committee.

67 WITHDRAWALS FROM THE AGENDA (00:05:56)

There were no withdrawals from the Agenda.

68 PERFORMANCE DASHBOARD QUARTER 2 (00:06:07)

The Group were presented with the *Performance Dashboard for Quarter 2 2024/25. The following was highlighted within the report:-

- Since the dashboard was last presented to the Committee work had been ongoing to create a glossary which provided a fuller understanding of what was measured and how. This was available on the Council's website.
- The overall performance was presented in a pie chart and combined a RAG rating to indicate if the performance was on track or not.
- There were 2 corporate risks that related to this Committee.
- Planning Fees Income – Statutory was shown as amber and Planning Fees income – Discretionary was shown as red in the RAG rating. Performance was related to a depressed housing market.
- Major planning applications determined within 26 weeks was shown as red in the RAG rating and minor planning applications determined within 16 weeks was shown as amber both of which were set against an in-house target of 100% rather than national targets.
- An answer to a query received from a Member of the Committee in relation to planning applications determined within 13 weeks without a decision clarified an inaccuracy that this indicator referred to performance in the current quarter rather than in the year to date.
- There was a discrepancy in the dashboard which related to planning enforcement statistics. The total number of open cases was 319 and not 338, this had now been rectified.

Discussion took place regarding:

- Clarification was sought with regard to the corporate risk building control viability. It was explained that it was a small team that needed certain professional qualifications. There was real pressure nationally and in the South West to attract and retain those skills. Small changes in staff had meant the risk had increased. Further details were in the Corporate Risk Register report that had previously been presented to the Audit Committee and would be going to Cabinet in December 2024.
- The Committee asked what was meant by the Corporate Risk “Quality of planning committee decisions” and how were they measured? It was explained it was whether the Committee could defend decisions that had been made should they come before an appeal. Full details could also be found in the Corporate Risk Register.

Note: * Performance Dashboard previously circulated.

69 THE PLANS LIST (00:14:39)

The Committee considered the applications in the *Plans List.

- 1) 24/01481/HOUSE - Installation of Air Source Heat Pump to East (rear) elevation at 30 Marshall Close, Tiverton, Devon.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- There were no updates to the report.
- The Application was presented to the Committee today as the applicant was an employee of Mid Devon District Council.
- No objections had been received.
- The main issues raised were the residential amenity of adjoining residents and climate change.

Discussion took place regarding:-

- The decibel levels of the heat pumps and the level of noise expected. It was explained that the noise level was well within the boundaries set.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr C Harrower and seconded by Cllr B Holdman)

Reason for the Decision – as set out in the report.

2) 24/01102/FULL - Creation of 2 parking spaces at Land at NGR 282699 102593, Crofts Estate, Sandford

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The site was part of the Housing Revenue Account (HRA) and Mid Devon District Council were the applicant.
- The Application was for the creation of 2 parking spaces.
- The area of grass that would be replaced was just over 57sqm.
- The main issues raised related to whether the car parking spaces were disabled. However they were not proposed to be disabled car parking spaces and would be available for use by all residents of the Croft's Estate.
- The Biodiversity Net Gain (BNG) would see the loss of 29.04msq of grassland which would trigger the requirement for BNG. The retained grassland was proposed to be planted with flowering lawn mix to achieve a 23.6% BNG at the site.

Discussion took place regarding:-

- Whether the paving would be permeable? It was explained that there was a condition to say that permeable hardstanding should be incorporated.
- A request for grasscrete to be used was suggested as a condition however it was explained that the Committee could use an informative to indicate support for this as a solution rather than a condition being placed on the application.

It was **RESOLVED** that planning permission be granted subject to conditions. Members of the Planning Committee noted that grasscrete would be preferred.

(Proposed by Cllr J Downes and seconded by Cllr G Czapiewski)

Reason for the Decision – as set out in the report.

3) 24/01370/FULL - Sub-division of a dwelling to form two dwellings at 4 - 5 Higher Ley, Nymet Rowland, Crediton.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- Mid Devon District Council were the applicants.
- The existing dwelling was formerly converted internally from 2 dwellings into 1. The dwelling was no longer required to be this size at this time.
- To the west was a car parking area in the Council's ownership.
- No changes were proposed to the exterior of the building as the front doors were retained when it was converted into 1 dwelling.
- As the conversion was simplistic there was an internal connecting door which would now be blocked up using a cavity wall and some lightweight internal stud partitions.

- For the first floor plans it was initially proposed to be 2 bedrooms per home however after assessing the size against the National Described Space Standards this would have been below requirement and the application was now for 1 bedroom plus a study space for each house.
- The main issues related to parking and technical housing standards.

Discussion took place regarding:-

- Whether there was a demand for housing of this size in that area. It was explained that Mid Devon Housing (MDH) would be aware of the demand requirements for housing across the district.
- The Cabinet Member for Planning and Economic Regeneration urged the applicant to look at improvements for car parking in the blue zone.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr B Holdman and seconded by Cllr G DuChesne).

Reason for the Decision – as set out in the report.

4. 24/01596/NMA - Non-Material Amendment for 23/00126/FULL at 2 – 8 Beech Road Tiverton Devon

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The Application came before the Committee in April 2024 for the erection of 8 affordable dwellings following the demolition of 4 existing dwellings.
- The main issues raised when considering whether changes would be acceptable as being non material to the approved development.
- The approved plan showed parking arrangements with 2 spaces to the west side of the building and 7 spaces to the east side whereas the change would be for 1 parking space to the west and 8 to the east with the additional landscaping and pedestrian access from Beech Road.
- The communal bin store area and bicycle area would have improved access.
- There would be no change to the building itself apart from the external staircase.
- As a result of the changes to the parking areas there would be an increase to planting and an improvement to the Biodiversity Net Gain (BNG) being delivered to the site. From the last scheme to this new proposed scheme there would be an increase of 13.2sqm of mixed scrub habitat; an increase of 4.2sqm of native meadow and 8.5sqm increase on linear hedgerow and an additional 2 trees.
- The proposed scheme did not increase in the scale of the development and would not result in a detrimental impact visually.

Discussion took place regarding:-

- The fact that normally Non-Material Applications were delegated, however as it was a Mid Devon District Council application it had to come before the Committee.

It was **RESOLVED** that the Non-Material Amendment be approved.

(Proposed by Cllr G Cochran and seconded by Cllr M Jenkins)

Reason for the Decision – as set out in the report.

Note: *List and report previously circulated and attached to the minutes.

70 **MAJOR APPLICATIONS WITH NO DECISION (01:14:54)**

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee agreed the following:-

- (i) 24/01594/MFUL - Erection of a 3 storey 66 bed residential care home (Class C2) for the elderly with associated communal and care facilities; erection of a three storey 50-unit retirement living building (Class C3) with associated communal facilities; vehicular access from College View, internal access roads, car parking, substation, refuse stores and hard and soft landscaped grounds.
To come before Planning Committee and for a site visit to be arranged.
- (ii) 24/01033/MFUL Erection of an agricultural dairy shed (1,007 sq.m) (Revised Scheme)
To remain delegated as per the report.
- (iii) 24/01472/MARM Reserved matters for the erection of 200 dwellings including access, appearance, layout, scale and landscaping following outline approval.
To be considered on the Majors Applications with no Decision at a future Planning Committee.

- Notes * (i) List previously circulated, copy attached to the minutes.
(ii) Cllr J Downes abstained from voting with regard to Application No. 24/01472.

71 **APPEAL DECISIONS (01:25:16)**

The Committee had before it, and **NOTED**, a list of appeal decisions.

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 3.42 pm)

CHAIR

Report for: Standards Committee

Date of Meeting:	11 December 2024
Subject:	DBS Checks for Members
Cabinet Member:	Cllr L Taylor- Leader, and Cllr Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	Previous report to Standards 19 June 2024

Section 1 – Summary and Recommendation(s)

To update Members on the outcome of the Standards Working Group who considered DBS checks for Members.

Recommendation(s):

That the Standards Committee recommends to Council that:

- (a) DBS checks are mandatory for all Members from May 2027 onwards;**
- (b) That any member can voluntarily have a DBS check from January 2025 until May 2027 when they become mandatory;**
- (c) The Head of Housing & Health is delegated to make any necessary changes to the Corporate Safeguarding Policy and related DBS policy in conjunction with the Cabinet member for Quality of Living, Equalities and Public Health;**

Section 2 – Report

1.0 Introduction

- 1.1 As part of the update to the Corporate Safeguarding Policy to Community PDG on the 26 March 2024, Section 4 of the report made reference to 'Members and DBS checks'.

- 1.2. Members at the Community PDG on the 26 March recommended to Standards Committee that a Member Working Group be established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy. Please see the report from the PDG. The Standards Committee on the 19 June agreed that a working group be formed.
- 1.3 The Disclosure and Barring Service (DBS) helps prevent unsuitable people from working with vulnerable groups, including children. It provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities, which may bring them into contact with vulnerable persons.
- 1.4 Currently elected members of Mid Devon District Council are not required to have DBS checks. Not all councils require DBS checks of their members.

2.0 Working Group Findings

2.1 Whether or not to adopt DBS checks was detailed within the 19 June 2024 report to Standards Committee.

2.2 The Working Group consisted of Cllrs Luke Taylor (Leader), James Buczkowski (Cabinet Member for Finance, Risk & Governance) and Andrea Glover (Chair of Standards Committee).

2.3 There are three types of DBS check, Basic, Standard and Enhanced.

A Basic DBS check provides provide a minimal overview of an individual's criminal history and reveals unspent convictions. It does not include cautions, reprimands, or spent convictions.

A Standard DBS Check is more comprehensive than basic checks and are commonly used in specific industries such as finance and law. It reveals both unspent and spent convictions.

An Enhanced DBS Check provides the highest level of disclosure and is essential for certain roles in education, healthcare, and other sensitive areas. It reveals unspent and spent convictions. It includes cautions, reprimands, and warnings. It also encompasses relevant police intelligence information deemed necessary for the applied position.

2.4 It was agreed that the appropriate level of check depends on the nature of the role and the level of contact an individual will have with vulnerable groups or sensitive information. As District councillors do not deal with social services matters, it is not considered that their roles meet the legal requirements to have a standard or enhanced check. In the circumstances, like many

authorities, it is proposed that we introduce a Guidance Note in effect a protocol that all District councillors undergo a basic DBS check.

2.5 To ensure that there is a process in place for the conducting of those checks, the attached Councillors Safeguarding Guidance Note and DBS Checks ('Protocol') has been prepared. The key elements of the Protocol can be summarised as follows:-

- Reference to the Safeguarding Policy and the requirement for councillors to undergo and co-operate with basic DBS checks.
- That the Council will conduct a Basic DBS Check upon a member being elected to office and following each subsequent election and that members will co-operate in providing all information to enable the DBS check to be carried out.
- That in the event that the check results in a positive disclosure, any appropriate actions are taken, following a full risk assessment process. Whilst the DBS Certificate will be checked, a copy will not be retained by the Council.
- Following consultation with the Head of Paid Service and Safeguarding Lead (where safeguarding issues), the Head of Paid Service will discuss the matter with the relevant member in consultation with Leader of the relevant Political Group and advice provided on any steps that should be taken.

Financial Implications

There will be a small cost to the Council for each member as the cost of a Standard DBS check is £18 'basic disclosure'. Therefore a total cost for 42 members is £756.

Legal Implications

Disclosure Barring Service checks are not legally mandated for Local Authority councillors, however many authorities are, in light of high profile cases, making the decision to undertake at least basic DBS checks. Simon Bailey conducted a review of the Disclosure and Barring Regime in April 2023 concerning the eligibility of local councillors for criminal record checks. The purpose of the review, commissioned by the Home Office, was to provide assurance to Ministers about the effectiveness of the disclosure and barring regime in safeguarding children and vulnerable adults. Part of the review considered the regime with regard to eligibility of local councillors for criminal record checks provided by the Disclosure and Barring Service. With specific reference to local authorities, the review made the following recommendation:

Recommendation 5: Local councillors I recommend that an enhanced criminal record check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

As this Council is not a Unitary or Upper Tier authority, this recommendation does not apply and since the Council does not carry out social services functions, we cannot legally conduct an enhanced check.

It is important to reflect that a basic DBS Certificate is a snapshot in time and is only up-to-date at the time of issue.

Risk Assessment No risks have been identified.

Impact on Climate Change None.

Equalities Impact Assessment None directly arising from this report.

Relationship to Corporate Plan

Our values and priorities – equally important to the 'what' we are trying to achieve, is the 'how' the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leiburne

Agreed by the Monitoring Officer

Date: 2 December 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 3 December 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Maria de Leiburne, Director of Legal, People & Governance (Monitoring Officer)

Email: mdeleburne@middevon.gov.uk

Background papers:

None

A COUNCILLORS' SAFEGUARDING GUIDANCE NOTE AND DBS CHECKS

[NB: This Guidance Note does not form part of the Constitution or the Members' Code of Conduct].

- 1.** A Councillor's behaviour is in effect already covered by the Council's Code of Conduct (as required under the Localism Act 2011) - which provides recourse to any member of the public wishing to make a complaint against a Members behaviour - that Code, however, does not make specific mention or reference to allegations about safeguarding.
 - 1.1** The Code of Conduct, in the main, only applies to the conduct of a Councillor when acting or giving the impression that they are acting in their official capacity; it may not therefore always cover them in their 'private' life. Moreover, while the District Council's Monitoring Officer has a duty to advise and consult an Independent Person appointed under s28(7) of the Localism Act 2011 on any action to be taken arising from a complaint on the conduct of members under the Code of Conduct it would be inappropriate to do so in any case where safeguarding issues had been raised without first referring to the Council's safeguarding procedures.
 - 1.2** Councillors should operate within a safe working environment at all times. If Councillors adhere to common sense principles of safe working this will not only benefit the work and reputation of the Council but help protect them (Councillors) as well.
 - 1.3** Councillors, in their role as a Councillor, should therefore ensure that they do not have – or are not put in the position of having - unsupervised contact with children and young people or vulnerable adults. Avoiding any such circumstances/unsupervised contact wherever possible with vulnerable persons will help prevent the risk of any allegation of inappropriate behaviour being made.
 - 1.4** Any suspicions of poor practice, abuse or inappropriate behaviour observed or reported of a District Councillor (by whatever means or route) should in the first instance be reported to the District Council's Monitoring Officer, who shall take all necessary steps as indicated below including all appropriate notifications. The District Council's Monitoring Officer will review each case on its own facts and take any action that is required and this may result in the Police being involved.
 - 1.5** If the allegation is in relation to potential safeguarding concerns relating to the individual in their capacity, either as a councillor, or in any other working or volunteering role with children , the District Council's Monitoring Officer will make a referral to and liaise directly with the Local Authority Designated

Officer (LADO), who is responsible for managing and overseeing allegations against adults working with children. If the allegation relates to safeguarding concerns regarding the individual's behaviour with children in their personal life (e.g.: as a parent or relative or friend), the District Council's Monitoring Officer will ensure a referral is made to the Devon Multi-Agency Safeguarding Hub (MASH). In these circumstances, Children's Services would undertake any assessment as appropriate and, if following this, concerns remain which could impact on the individual's role as a Councillor, also make a referral for LADO consideration.

2. DBS Checks and Risk Assessment

- 2.1** Following each District Council election the Council will, (or mid-term if a Councillor is elected mid-term) conduct a Basic DBS check for all Councillors which will be in place for a period of four years (a Council term).
- 2.2** Councillors will co-operate in providing all necessary information to enable the DBS check to be carried out. Once a Basic DBS check has been undertaken for that individual Councillor, a record of that will be retained. .
- 2.3** Only where the DBS check identifies a criminal conviction will the Monitoring Officer be notified. In these circumstances, the following course of action must be undertaken in line with this guidance. The Monitoring Officer will not retain a copy of the DBS Certificate but will record the Certificate Number, date of Certificate, date of offence(s) disclosed, the type of offences and when they will be spent. The applicant will retain the original DBS Certificate.
- 2.4** It is the responsibility of the Monitoring Officer to ensure all appropriate actions, guidance and notifications are taken in such cases.
- 2.5** The Monitoring Officer will also review the circumstances of the case with reference to the Code of Conduct to determine whether there are any standards issues involved and any potential case to answer.
- 2.6** Thereafter and following consultation with the Head of Paid Service and Corporate Safeguarding Lead (where appropriate) a discussion will be had with the Councillor to ascertain the facts of the matter, then conduct a risk assessment against an agreed criteria in consultation with the relevant Group Leader, and then agree future actions required
- 2.7** Any such risk assessment must necessarily require an objective common-sense approach, having regard not only to the Council's responsibilities for safeguarding but the need for Councillors to maintain the highest standards of conduct in their

professional lives and from a safeguarding perspective, their personal lives. Also important is the need for any person in public life and holding a position of special responsibility to be extra vigilant.

2.8 The Monitoring Officer can also consider the withdrawal of facilities/access and, exceptionally, any action required to ensure the continued protection of others as a result of the disclosure or of any action the Council may decide to take as a result of that risk assessment, including confidential notification to a third party to ensure that continued protection of others, consulting with the Chair of the Standards Committee as appropriate.

2.9 If a Basic check reveals that a Councillor has been sentenced to imprisonment for 3 months or more (including suspended sentences) during the last five years or has been convicted of a corrupt or illegal practice by an election court, then their seat will be lost and reported to the relevant body.

DBS Risk Assessment Checklist

Disclosure Certificate No.																				
Date of Certificate																				
Full Name:																				
Position	Councillor																			
Check Undertaken for:																				
Level of Check	Basic																			
Convictions disclosed? If so, details																				
Date(s) and place of conviction?																				

Risk Assessment

Monitoring Officer/ Questions to consider as part of the Risk Assessment

Questions	Comments
Does the Councillor confirm that the information disclosed in the DBS Disclosure is accurate?	
What is the individual's attitude to the offence now? Has the individual explained the circumstances of the offence?	
Will the Councillor be working unsupervised?	
Were/Are there any orders/requirements/conditions as a part of the unspent conviction and are they relevant to rehabilitation or control of reoffending?	
Does the conviction disqualify the Councillor from being a councillor?	
What preventative measure(s) could be put in place to reduce the risk?	
Have circumstances changed since committing the offence(s)? What has the individual done to reduce the risk of re-offending i.e. rehabilitation, improved education, moved location, changed associates etc	
At the time of the offence were there any mitigating circumstances? (ie financial / domestic / alcohol / drugs	
Was this a 'one-off' offence? or repeat offending?	

What level of contact is there with children or vulnerable adults i.e., unsupervised.	
What level of personal contact is there with the public?	
Is there potential for reputational damage?	
Is this a safeguarding concern?	
Describe what preventative measure(s) could be put in place to reduce risk?	
Signature of Monitoring Officer and Date of Risk Assessment	

Part B Monitoring Officer- Any Further Actions

Please state any additional safeguarding measures required such as building restrictions, or additional safeguards to be implemented by the Council and / or referral to the Standards Committee. Examples below

(NB; Notwithstanding the guidance relating to Regulated Activity and Sentencing referred to earlier)

- Speak to Leader of the Council and / or Group Leader

- Consideration of Committee / Sub Committees / outside bodies appointments

- Exclude or restrict the Subject Member's access to some or all District Council premises or business;

- Any training required

- Withdraw facilities (e.g. computer access).

- **Or other actions as defined in the Safeguarding Policy**

Action Taken:

Guidance for Councillors

When should a councillor comply with the council's safeguarding policy?

When acting as, or perceived to be acting as, a councillor.

When is a councillor acting as, or perceived to be acting as, a councillor?

It can be unclear as to when a councillor's duties end and when their private life takes over.

With regard to safeguarding children there would appear to be three possible situations:

1. A councillor clearly acting in an official capacity, for example where a planned visit to
has been organised by officers and the councillor is attending in their official capacity. In this situation, councillors would be expected to follow the same policy and procedures as officers.
2. A situation where the councillor could be perceived to be acting in an official capacity – this could be a situation where councillors are fact finding on their own without officers in attendance (for example where complaints of anti-social behaviour in a children's play area have been made and a ward councillor goes out to see how bad the situation is). In this situation, the councillor may come into contact with children. Again, councillors would be expected to follow the same policy and procedures.
3. Purely social contact with children (for example giving a lift to the children of a family friend) or vulnerable adults (for example visiting an older person who is a friend at a care home). There is no need to follow the council's child protection policy and procedures.

It is noted that councillors often get involved with, or take on, other roles in the community, for example school governor, helping at youth clubs, care homes etc. In these circumstances the councillor will have to comply with the policy of the relevant organisation (i.e. the school etc).

Working with children and vulnerable adults

In the unlikely event that a councillor needs to work frequently with children or vulnerable adults on behalf of the council then they would be required to have a DBS check and meet with the Community Safety and Safeguarding Lead, to ensure that they are familiar with the council's safeguarding policy and procedure. Councillors will receive additional guidance on their safeguarding responsibilities as part of the councillor induction process.

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Report for: Standards Committee

Date of Meeting:	19 June 2024
Subject:	DBS Checks for Members
Cabinet Member:	Cllr David Wulff – Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Maria de Leburne – Director of Legal, HR & Governance (Monitoring Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	Community PDG Safeguarding Policy report – 26 March 2024

Section 1 – Summary and Recommendation(s)

For Members to consider the Community PDG recommendation from the 26 March 2024 and whether a working group is required to decide if Members require a DBS check.

Recommendation(s):

- 1. Standards Committee to consider whether a Member Working Group is set up to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.**

Section 2 – Report

1.0 Introduction

- 1.1** As part of the update to the Corporate Safeguarding Policy to Community PDG on the 26 March 2024, Section 4 of the report made reference to ‘Members and DBS checks’.

- 1.2 Members at the Community PDG on the 26 March recommended to Standards Committee that a Member Working Group be established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy. Please see the report from the PDG.
- 1.3 The Disclosure and Barring Service (DBS) helps prevent unsuitable people from working with vulnerable groups, including children. It provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities which may bring them into contact with vulnerable persons.
- 1.4 Currently elected members of Mid Devon District Council are not required to have DBS checks. Not all councils require DBS checks of their members.

2.0 Options

2.1 Whether to Adopt DBS checks

- 2.2 The position of Councillor is not in itself a position named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Therefore, there is no eligibility for a DBS certificate at a Standard or Enhanced level, solely on the basis of being a Councillor, they have to be carrying out further activities prescribed in legislation.
- 2.3 Councillors who do not carry out any of the specific educational and/or social service functions, are not eligible for a Standard or Enhanced DBS check. Councillors in this position may attend community events, take surgeries, or visit local residents in their own homes, have access to the general public including children, but these activities do not meet the legislative criteria to be eligible to apply for a Standard or Enhanced DBS certificate. However, a Basic level check can be requested for these Councillors.
- 2.4 Members would therefore only be entitled to have a basic check as our members do not work within education or social services (at case level) such as members in unitary or county councils.
- 2.5 A basic check would reveal unspent convictions or conditional cautions, whereas a Standard DBS Check searches criminal history for any cautions, reprimands, warnings and convictions. An Enhanced DBS Check would reveal the same as the Standard DBS check but would also include any additional information held by local police considered relevant to the role in question.
- 2.6 If Basic Checks are required for our members then the Monitoring Officer will need to draft a policy on how any negative findings are dealt with. Other Members would not be made aware of any outcome however it would be the responsibility of the Monitoring Officer to bring it to the attention of the Chief

Executive, who would then be responsible for dealing with the situation. However, it is important to note that there is no mechanism for taking action against any councillor as a result of anything a DBS check might reveal. Nor is there any compulsion for a member to submit to it in the first place.

- 2.7 While it may seem that undertaking DBS checks for all councillors (as we do before employing officers) might be a further way to reduce risk, it is unclear at this point what value this would add given that councillors would be under no obligation to agree to a check being undertaken, the information could not be shared subsequently, it would not have any bearing on their elected status, and we are not an authority which has the education or social services functions as defined in the Safeguarding Vulnerable Groups legislation set out below.

3.0 Next Steps

- 3.1 That Standards decide if a working group is required to discuss DBS checks or alternatively Standards Committee could decide at this Committee that they do not consider DBS checks are required or alternatively that they wish to recommend to Full Council that basic DBS checks are required.

Financial Implications

There will be a small cost to the Council for each member as the cost of a Standard DBS check is £18 'basic disclosure'. Therefore a total cost for 42 members is £756.

Legal Implications

As referenced above, the position of Councillor is not in itself a position named in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Therefore, there is no eligibility for a DBS certificate at a Standard or Enhanced level, solely on the basis of being a Councillor, they must be carrying out further activities prescribed in legislation.

The Protection of Freedoms Act (PoFA) 2012 amended the definitions of regulated activity with children and adults which had an impact on the level of DBS certificate that is available for some local authority roles, which may include some Councillors.

A Councillor is only eligible for an enhanced DBS certificate without DBS barred list checks if they meet the specific legislative criteria from the Safeguarding Vulnerable Groups Act 2006 set out below:

A person is a member of a relevant local government body if –

- i. he is a member of a local authority and discharges any education functions, or social services functions, of a local authority;
- ii. he is a member of an executive of a local authority which discharges any such functions;

- iii. he is a member of a committee of an executive of a local authority which discharges such functions;
- iv. he is a member of an area committee, or any other committee, of a local authority which discharges such functions.

This includes a reference to any sub-committee which discharges any such functions.

If the above conditions above are met, then a Councillor can be eligible for an enhanced DBS certificate without a check of the barred list.

Risk Assessment

No risks have been identified.

Impact on Climate Change

None.

Equalities Impact Assessment

None directly arising from this report.

Relationship to Corporate Plan

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 12.6.24

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive
Date: 12.06.2024

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Maria de Leburne, Director of Legal, HR & Governance (Monitoring Officer)
Email: mdeleburne@middevon.gov.uk
Telephone: 01884 255255

Background papers: [Independent Review of the Disclosure and Barring Regime \(accessible\) - GOV.UK \(www.gov.uk\)](#)

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Report for: Standards Committee

Date of Meeting:	19 th June 2024
Subject:	UPDATED CORPORATE SAFEGUARDING POLICY
Cabinet Member:	Councillor David Wulff, Cabinet Member for Community and Leisure
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Exempt:	Not Applicable
Wards Affected:	All
Enclosures:	Annex A – Updated Corporate Safeguarding Policy Annex B – Equalities Impact Assessment screening

Section 1 – Summary and Recommendation(s)

The purpose of this report is to seek approval for the adoption of the revised Corporate Safeguarding Policy (recommendation 1). As a local authority public sector body we must have adopted policies for staff and members to follow that set out our roles and responsibilities for safeguarding children and vulnerable adults.

The current Policy was last reviewed by the Community PDG in March 2022 and Cabinet in April 2022 and is scheduled to be reviewed every 3 years, but can be reviewed earlier at the request of the Council's Corporate Safeguarding Lead as is the case. A Policy review was instigated to take into account changes of responsibilities within the Council, inclusion of new sections on the role of the Local Authority Designated Officer (LADO), the importance of Corporate Parenting alongside updates to legislation and guidance and a refresh of the 'Safeguarding Champions' Group.

As part of the review process, views were sought on current safeguarding policy and operational practice from an informal, internal working group of safeguarding leads and the external Devon Districts Safeguarding Officers network.

The updated Corporate Safeguarding Policy was also reviewed by a consultant with national experience carrying out a self-assessment of Mid Devon Housing in January

2024. The purpose was to assess the proposed changes against the expectations of the new housing regulatory regime and in recognition of the particular involvement of housing in safeguarding matters. Further changes have been made to the Policy to reflect recommendations made.

Introductory safeguarding training for Members was carried out in December 2023 and a second session is planned for March 2024 for any Members missing the first date. Feedback from the first session has also helped to shape the policy format in particular.

Together, the review process and recent member training have also identified a potential gap in safeguarding provisions for Members with a recommended mechanism to review DBS checks which could be included in a future update of relevant policies (recommendation 2).

Recommendations:

- 1. That the Community PDG recommends the updated Corporate Safeguarding Policy to Cabinet for approval.**
- 2. That the Community PDG recommends to Standards Committee that a Member working group is established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.**

Section 2 – Report

1 Background

- 1.1 We have adopted policies for staff and Members to follow, which set out our roles and responsibilities for safeguarding children and vulnerable adults. The Districts' Safeguarding Leads in Devon have produced a combined policy as part of the Devon Districts Safeguarding Officers Network, drawing on good practice found in existing safeguarding policies to ensure that we all have access to a policy that is relevant and appropriate. This year we have adapted it to reflect this Council's specific way of working. An updated version of the proposed policy is shown at Annex A.
- 1.2 The Policy sets out a series of high level responsibilities and goes into detail on the requirements to provide clarity on who should be doing what.
- 1.3 In essence we have a duty to work with other agencies and the Policy reminds us of the Council's responsibility under the Children's Act 2004, the Care Act 2014 and other relevant legislation, which is essential to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children and other vulnerable groups.
- 1.4 We have a shared responsibility with a variety of statutory agencies to protect children and vulnerable adults from harm, ensure their safety, and prevent

impairment of their health or development. As a partner agency we appreciate that safeguarding is not just the duty of Social Services and child protection specialists.

- 1.5 As a minimum all employees, Members and partners/contractors should become familiar with our Corporate Safeguarding Policy and procedures on how to report and handle incidents where we suspect abuse or neglect.

2 The Council's Commitments and Further Actions

- 2.1 We have set out a series of commitments in the Policy which state that we will seek to tackle and manage safeguarding concerns.
- 2.2 We have raised awareness of our duties through the staff induction process, making on-line safeguarding mandatory training for staff, development of an internal Safeguarding Champions Group and we will take update reports to the Corporate Management Team (CMT).
- 2.3 There is mandatory training on induction for all staff which is renewable every three years. We are also working towards being able to provide a Level 2 course for frontline staff that come into regular face to face contact with customers and require more than just an awareness of the issues. We have also provided a dedicated briefing for Members and are also working toward enhancing this with a package of safeguarding training for members and senior Leadership Team, alongside bespoke enhanced safeguarding/mental capacity training for staff. These bespoke elements are subject to further investigation and budgetary provision.
- 2.4 The Safeguarding Champions Group has been in place since October 2023 (having been a previous forum that did not meet for several years) and is made up of representatives including the Designated Corporate Safeguarding Lead, the Corporate Safeguarding Officer and Safeguarding Champions from Services. The forum meets every two months to discuss the direction of safeguarding delivery internally, monitoring how we are currently working and drawing on National/County and local learning to inform staff and keep their knowledge current around emerging trends.
- 2.5 We will encourage managers to reinforce awareness of safeguarding issues with their teams at team meetings to help keep this important duty in our corporate consciousness.
- 2.6 In adopting a revised Policy it will also be necessary to underpin this Policy with improved procedures that set out how staff and Members should deal with particular situations. We draw on good practice and advice from our Safeguarding Partnerships to ensure that we have a Policy and procedure that is clear and easy to follow.
- 2.7 Our membership of the Devon Districts Safeguarding Officers Network, which has representatives from both safeguarding boards and the other Devon districts ensures that we are aware of all relevant local updates, changes and

emerging threats. We share these updates with our Safeguarding Champions for cascading to relevant frontline staff.

- 2.8 The Mid & East Devon Community Safety Partnership (CSP) also deals with some safeguarding issues on a more strategic and district-wide basis such as domestic and sexual violence and abuse, modern slavery, child sexual exploitation and preventing violent extremism. The Specialist Lead for Community Safety and Safeguarding (which encompasses the role of Corporate Safeguarding Officer) sits on the Safeguarding Champions Group and the CSP and hence is able to ensure that strong links are maintained between the two policy areas. The CSP is also currently chaired by the Designated Corporate Safeguarding Lead. This provides essential continuity across the different functions/role involved with and responsible for safeguarding.

3 Policy Amendments

- 3.1 Amendments have been made to the following sections of the existing Policy in addition to minor wording changes. These reflect a significant revision and update on current Policy.

- Updates throughout to reflect internal organisational changes as well as those to external partners
- 1.3 New section of definitions added
- 2.1 Additional Policy aim added 'Ensure the importance of listening to children and adults at risk and responding appropriately'
- 3.1 Scope of Policy – Care Leavers up to the age of 25 added, and includes 'employees and Members involved in decision making with regard to licensing'
- 3.4 New paragraph on consent added.
- 4.1.1 The six principles of safeguarding added for clarity
- 4.1.2 Reference to new statutory guidance (December 2023) added: [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/working-together-to-safeguard-children)
- 4.1.3 and 4.1.9 to 4.1.12 added
- Section 5 – updated role descriptions
- 5.5 Safeguarding Champions – title and role description updated
- 5.9 Additional cross-referenced policies added (bottom six bullet points)
- 6.1.1 Updated description of responsibilities for Members
- 6.2 Bullet point 8 added – 'Ensure the Council officers take account of the Section 11 Duty in the Children Act 2004 to make arrangements to ensure that the Council's functions are discharged with regard to the need to safeguard and promote the welfare of children in all decision making' to clarify statutory duty
- 6.3 Updated description of senior management responsibilities
- 6.4 Updated description of management responsibilities

- 6.5 Updated description of HR responsibilities
- Section 9 - A new section on Confidentiality and Information Sharing to provide additional guidance and clarity
- Section 10 - A new section on Mental Capacity and Best Interest
- Section 11 - A new section on Partnership Working, Escalation and Resolution
- Section 12 - A new section setting out the Council's Corporate Parenting responsibility under the Children and Social Work Act 2017 in relation to certain children and young people
- Section 13 - A new section describing the role of the Local Authority Designated Officer (LADO) setting out how the organisation will respond to requests for information from the LADO
- Appendix 1 inclusion of new safeguarding summary process flowchart

4 Members and DBS checks

- 4.1 Members are currently not included in policy provisions to undertake a basic DBS check as a requirement of their role.
- 4.2 Unlike specific officer roles, Member DBS checks are not a legally mandated requirement however can be considered as a best practice from a safeguarding perspective. It is therefore a key provision that merits further consideration given the role of Members:
- As trusted community leaders at a very frontline ward level with day to day direct engagement with families including children
 - Being in receipt of sensitive and confidential information with regard to safeguarding matters and vulnerable persons where consented
 - In ensuring the Council has an adequate Corporate Safeguarding Policy in place that is resourced and implemented
 - As safeguarding promoters concerned with the protection of vulnerable people in our community
- 4.3 Many of our residents may be under an assumption our Members currently undergo the same checks as officers engaging in the frontline areas of the Council, notably across housing, public health and leisure. As such they are arguably relying upon misleading assurances including where they consent to the sharing of sensitive information.
- 4.4 A number of councils have introduced checks for all Members including those with lower-tier functions where councillors typically operate in less 'arms length'

roles in the community. Nonetheless, this is a potentially sensitive subject and one where debate and any changes must be led and agreed by Members.

5 Recommendations

5.1 In accordance with the above, the following recommendations are made:

1. That the Community PDG recommends the updated Corporate Safeguarding Policy to Cabinet for approval.
2. That the Community PDG recommends to Standards Committee that a Member working group is established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.

Financial Implications

There are no direct financial implications from updating the Policy.

However, it is proposed that face to face training for the most relevant staff teams would be beneficial to increase the awareness and understanding of safeguarding responsibilities and good practice. This approach has been successful at East Devon District Council. Detailed proposals and costing have not been developed at this stage, but it is recommended that is provided as soon as possible to enable external training to be delivered in 2024/25.

Legal Implications

The Children Act 2004 and, specifically Section 11 of the Act places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Updated statutory guidance has been issued in 2023.

Section 6 of the Care Act 2014 requires County Councils and their relevant partners including district councils, to co-operate with each other when exercising their respective functions where they are relevant to the care and support. This co-operation can be both at a strategic level and in relation to individual cases.

There is also other relevant legislation which applies to the issue of safeguarding under which the Council has specific duties. Members will note that this legislation is listed in the Policy document and at the end of this report.

Risk Assessment

Failure to meet the requirements of the legislation could lead to children and adults at risk coming to significant harm. This could also result in legal challenge to the Council and adverse reputational damage to the Council.

Failure to take action around safeguarding is a medium risk as we have an existing Policy in place and regularly reviewing this policy keeps it up-to-date with any learning and new legislation. Therefore, the Council has a continued mitigation against those risks occurring as long as an effective policy is fully implemented.

Leadership Team and CMT provide governance to the Policy and resulting actions.

The Designated Corporate Safeguarding Lead, and the Corporate Safeguarding Officer work closely with both the Torbay and Devon Safeguarding Adults Partnership, Devon Safeguarding Children Partnership, Safer Devon Partnership and other district councils. This ensures the sharing of best practice and that the Council is kept up to date with any new developments or changes to requirements. This ongoing work has helped shape this policy update.

Impact on Climate Change

No direct carbon/environmental impacts arising from the recommendations.

Equalities Impact Assessment

The equalities considerations are as set out in the report and the Policy. The Policy itself and processes that underpin the Policy are an important way of reducing inequality and ensuring that vulnerable people are protected.

An Equality Impact Assessment (EIA) screening has been completed under the revised corporate template. This is attached at Annex B. It concludes that the updated Policy is overwhelmingly positive in terms of equalities and therefore does not require a full EIA.

Relationship to Corporate Plan

The Policy helps the Council meet its legal responsibilities in respect to safeguarding and child protection and contributes to the Corporate Plan. An effective Corporate Safeguarding Policy, awareness and training is important to support our staff and to support the most vulnerable in the community we serve. It's particularly relevant to the housing services we provide and in support of our tenants.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12 Mar 2024

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 12 Mar 2024

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 29 February 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07 March 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing (and Corporate Safeguarding Lead) or Adrian Gardner, Specialist Lead for Community Safety & Safeguarding (and Corporate Safeguarding Officer)

Email: snewcombe@middevon.gov.uk or agardner@middevon.gov.uk

Telephone: 01884 255255

Background papers:

1. The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: [Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
2. The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. New Statutory guidance has been issued in 2023: [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk) Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
3. The Children and Social Work Act 2017 sets out how all local authorities should approach their Corporate Parenting responsibilities for looked after children and care leavers. For district councils this includes Housing, Leisure and Recreation and Local Taxation Collection as set out in the [statutory guidance](#).
4. The Counter Terrorism and Security Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
5. The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

6. The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
7. The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
8. The Domestic Abuse Act 2021 Part 1 Sec 3 provides that children who witness domestic abuse are now counted as victims in their own right.
9. Serious Violence Duty within the Police, Crime, Sentencing and Courts Act 2022. The statutory guidance requires specified authorities (including district councils) to focus on youth violence when setting their definition of serious violence. It also encourages a focus on domestic abuse and sexual offences.
10. The Devon Adolescent Safety Framework provides a route to protect young people from extra familial violence such as exploitation and sits alongside the usual statutory child protection procedure that deal with intra familial abuse. <https://www.dcfp.org.uk/training-and-resources/policies-and-procedures/adolescent-safety-framework-safer-me/>
11. Devon County Council procedures for managing allegations against staff and Local Authority Designated Officer (LADO) role. [Managing allegations - Devon Safeguarding Children Partnership \(devonscp.org.uk\)](#)
12. The Statutory Taxi and Private Hire Vehicle Standards <https://www.gov.uk/government/news/new-standards-to-improve-safety-for-taxi-and-private-hire-vehicle-passengers>

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MEETING	Normal day	1 2025	2	3	4	5 2026	6	
Planning Committee <i>(first meeting of cycle)</i>	Wed	11th June	30th July	10th September	12th November	7th January	11th March	
Planning Committee <i>(second meeting of cycle)</i>	Wed	2nd July	20th August	8th October	3rd December	11th February	8th April	
CABINET <i>(first meeting of cycle)</i>	Tues	20th May	8 July	2nd September	4th November	13th January	3rd March	
CABINET <i>(second meeting cycle)</i>	Tues	17th June	5th August	7th October	9th December	10th February	7th April	
PLANNING, ENVIRONMENT & SUSTAINABILITY PDG	Tues	10th June		23rd September	25th November		10th March	
HOMES PDG	Tues	3rd June		9th September	18th November		17th March	
ECONOMY & ASSETS PDG	Thurs	19th June		18th September	27th November		12th March	
COMMUNITY, PEOPLE & EQUALITIES PDG	Tues	17th June		16th September	11th November		24th March	
SERVICE DELIVERY & CI PDG	Mon	23rd June		15th September	24th November		23rd March	
SCRUTINY COMMITTEE <i>(first meeting of cycle)</i>	Mon	9th June	18th August	29th September	15th December	26th January	16th March	
SCRUTINY COMMITTEE <i>(second meeting of cycle)</i>	Mon	14th July	8th September	20th October	17th November	23rd February	20th April	
AUDIT COMMITTEE	Tues	24th June		30th September	9th December		31st March	
Standards Committee	Weds	18th June		15th October		4th February		
Licensing Committee	Fri	26th June			4th December			
Regulatory Committee	Fri	26th June			4th December			
Away Days	Fri 9.30am			20th September				
COUNCIL	Wed 6.00pm	23rd July	24th September	29th October	17th December	18th February	22nd April	6th May

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Agenda Item 9

Note: (i) *Annual meeting of the Council at 6.00pm. **Annual Meeting in 2025 is on 7th May**
(ii)*Annual meeting of the Council at 6.00pm. **Annual Meeting in 2026 is on 6th May**

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Report for: FULL COUNCIL

Date of Meeting:	18 December 2024
Subject:	Independent Remuneration Panel Report
Responsible Officer:	Director of Legal, People & Governance and Monitoring Officer
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1: IRP Report Appendix 2: Draft Members Allowances Scheme 2025 - 2028

Section 1 – Summary and Recommendation(s)

To receive a report from the Independent Remuneration Panel to determine the Members' Scheme of Allowances for 1 April 2025 to 31 March 2028.

Recommendation:

That the Members' Allowances Scheme in Appendix 2 be adopted for the period 01 April 2025 to 31 March 2028.

1.0 Background

- 1.1 The Council is required to consider its Members' Scheme of Allowances taking account of a relevant report of its Independent Remuneration Panel (IRP) before making any changes to the allowances for the following financial year.

- 1.2 Council requested at their meeting in December 2023 that the IRP undertake a Fundamental Review of Members' Allowances during 2024 with a view to recommending a revised Scheme of Allowances in December 2024.
- 1.3 Accordingly, the Panel convened in early 2024 and began the process of a Fundamental Review. This began with an indepth survey seeking the views and opinions of all Members regarding their allowances.
- 1.4 In addition, interviews were held with several Members holding a variety of roles within the administration.
- 1.5 The IRP also received benchmarked data from other similar councils across the South West, published Government guidance and information pertaining to the cost of living pay award agreed for 2023/2024 for MDDC employees.
- 1.6 The Panel's full report is included in Appendix 1 and Members of Council are encouraged to read the rationale for each of their recommendations.

2.0 Recommendations

A draft Scheme of Members' Allowances for 2025 – 2028 which incorporate all of the IRP's recommendations is attached at Appendix 2.

- 2.1 The IRP proposed amendments to the current scheme are as follows:

- a. **The Basic Allowance** of £6,000 p.a. be increased by the median (average) % of the cost of living pay rise awarded across the workforce of MDDC employees for a period of 3 years from 1 April 2025 until 31 March 2028. (NB: the % rise for 2024/2025 is 4%).

The Basic Allowance from 1st April 2025 would therefore be recommended as being £6240 p.a. until the next staff pay award where upon the Panel's recommendation would apply with whatever the median % rise is at that time.

- b. **Special Responsibility Allowances** be paid to the following Members at the levels indicated:

Position		Current Council approved weightings	Recommended SRA (based upon BA of £6240)
Leader of the Council		2.00	£12,480
Deputy Leaders		1.00	£6,240
Cabinet Member		1.00	£6,240
Scrutiny Committee Chair		1.00	£6,240
PDG Chair		0.50	£3,120
Audit Committee Chair		0.50	£3,120
Planning Committee Chair		1.00	£6,240
Licensing/Regulatory Chair		0.25	£1,560
Standards Chair		0.25	£1,560
Chairman of the Council		0.50	£3,120

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the National Living Wage of a person over 25.
- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
- 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
 - 24p per mile for motorcycles
 - 20p per mile for push bikes

f. That subsistence allowances be linked to those of the staff, currently these are as follows in each case up to a maximum of:

- One meal (5 hour) ceiling Upper limit £5
- Two meal (10 hour) ceiling Upper limit £10
- Three meal (12 hour) ceiling Upper limit £15
- 24 hour ceiling Upper limit £20

g. That **all** claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.

h. That the wording in the scheme regarding parental leave and SRA's also will apply to prolonged illness and Vice Chairs:

“Councillors entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full subject to:

(a) Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;

(b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);

(c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and

(d) Should another Councillor appointed to replace the Councillor on leave already hold an SRA position, the ordinary rules relating to one SRA payment apply.”

Financial Implications: If the increase in the Basic Allowance is approved from £6000 to £6240 p.a. there will be a corresponding increase in the amount of Special Responsibility Allowances (SRA's) paid. This is because SRA's are based upon a multiplier of the Basic Allowance.

- Basic Allowance (BA) increase, 42 Members x £240 (based on 4% increase) = £10,080
- Special Responsibility Allowances increase, (based on weightings applied to the BA) = a total of £3,840

This would result in a total overall increase of circa £13,920 for next year.

The recommendations do not propose any other financial increases – therefore there are no additional financial implications for the Council other than those which may be incurred as a result of the link with the average staff percentage increase in pay.

Legal Implications: None beyond those covered in this report.

Risk Assessment: The Council must take account of the IRP's report to avoid potential successful challenge of its Scheme.

Impact on Climate Change: N/A

Equalities Impact Assessment: None beyond those issues identified in this report.

Relationship to Corporate Plan: N/A

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria De Leburne
Agreed on behalf of the Monitoring Officer
Date: 10/12/24

Chief Officer: Stephen Walford
Agreed on behalf of the Chief Executive
Date: 10/12/24

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 06 December 2024

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Maria De Leburne
Email: mdeleburne@middevon.gov.uk
Telephone: 01884 234210

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MID DEVON DISTRICT COUNCIL INDEPENDENT REMUNERATION PANEL

REPORT ON MEMBERS' ALLOWANCES 1 APRIL 2025 – 31 MARCH 2028

MEMBERSHIP

Mid Devon District Council's Independent Remuneration Panel ("the IRP") consisted of Jeremy Filmer-Bennett, John Smith and Karen Stone (Panel Chair) all of whom have considerable experience of undertaking reviews for the Council on the matter of Member Allowances and/or Standards.

(NB: For personal reasons Jeremy Filmer-Bennett resigned from the Panel half way through the review. A recruitment process will now be undertaken in order to facilitate future reviews. This will also be needed following the retirement of Karen Stone in December 2024. This will therefore be the last review with the current Panel).

1. INTRODUCTION - LEGISLATION

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an independent panel in agreeing allowances paid to councillors.
- 1.2 The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.

2. BACKGROUND

2.1 Last report of the Panel

The last Panel report had recommended that the Basic Allowance receive an average percentage increase of the staff pay award which at the time was 6.44% taking it from £6000 p.a. to £6386. The Panel noted that upon receipt of this recommendation Council had moved an amendment to freeze their allowances for 2024/25 and maintain the Basic Allowance as £6000 p.a. This had been approved by Council in December 2023.

2.2 Role of the Panel

Council had made a request that a full Fundamental Review of Members Allowances at Mid Devon District Council (MDDC) be undertaken after the new Council had had a full year in office and were able to provide extensive views on their roles and responsibilities and the allowances they received for them.

Accordingly the MDDC Independent Remuneration Panel (IRP) undertook a full Fundamental Review of the Members Allowances Scheme during 2024.

The primary role of the Panel has been to assess the allowances for being an elected Councillor. The Panel's function has been to ensure that Councillors have the financial recognition to fulfil some of the most demanding roles that exist in public life.

3. EVENTS SINCE THE LAST REVIEW

The Panel noted that the following had taken place since their last report to Council:

- The new Council, elected in May 2023, was now well embedded
- A new Cabinet post had been created – Cabinet Member for Parish and Community Engagement.
- A new Policy Development Group (PDG) had been created to support delivery of the new Corporate Plan.
- There had been an appointment of an Independent Person to the Audit Committee.
- Council was shortly to receive a recommendation to appoint 3 Co-opted Tenants to the Homes PDG.
- An extensive Member training and development programme was being developed.
- Significant budget pressures remained with rigorous approval processes in place for replacements when staff left the authority.
- There had been a General Election in July 2024 and a shift in top down priorities.
- There were increased cost of living pressures for everyone.
- Councillors faced increased abuse online and in person.

4. FUNDAMENTAL REVIEW

4.1 Timetable and conduct of the Panel's Review

The Panel met early in 2024 and decided that the only way to gather the essential data needed was to request that Members complete an extensive survey with a range of questions in different formats

providing ample opportunity to provide views and evidenced opinion. A survey was accordingly sent out to all Members in May 2024.

In addition, the Panel felt it was imperative that they meet with Members in a variety of roles to speak to them directly (and in confidence) to hear first-hand what their views were. Interviews took place in September 2024.

As well as this, the Panel also received a range of information which included:

- The latest South West Councils' survey detailing the allowances paid to councillors in similar local authorities across the South West.
- A comparison of Carer's Allowances across similar councils.
- The current Scheme of Members' Allowances.
- Published Government advice.
- The latest cost of living pay award agreed for 23/24 for MDDC employees via the Chair of the IRP.

4.2 Survey to all Members

A detailed questionnaire was sent out in May 2024. Reassurance was provided that all responses would be treated anonymously. Members had 2 months (with regular reminders) to complete it. There were 72 questions including some closed and some open providing the opportunity for detailed responses.

4.2.1 A range of questions were asked including the following:

- Is the Basic Allowance, too little, too much or just enough?
- Are you adequately recompensed for your role?
- How many hours do you work a month on Council business?
- Level of responsibility, accountability and difficulty of each role receiving a Special Responsibility Allowance (SRA)?
- Views on travel and subsistence and the link to HMRC rates
- Views on the Carer's Allowance
- Is the role of a councillor changing?
- Views on barriers to standing as a councillor.
- Whether or not they were prepared to meet the IRP?

4.2.2 It was noted that 16 Members out of 42 completed the survey, representing approximately 38% of the membership.

The IRP reflected on the relatively low level of uptake in Members who expressed their views on their allowances. They questioned what could be interpreted by the fact that 62% of the membership did not respond? They considered at length how much weight should be given to this low response rate and contemplated whether it meant 62%

were 'content' with the allowance/s they received? The Panel felt that if Members had strong feelings either way then an attempt would have been made to complete the survey even if only in part.

(NB: It may have been the case that there was an issue with the survey itself, for example, perhaps it was too long? However, this feedback was not received.)

Of those that did respond, whilst there was some agreement there was also some deviation in the answers provided to the open questions.

Despite this, the Panel were informed by the supporting officers that the response rate had been better than previous attempts to gather such views on the same subject.

4.3 Interviews with Members

6 Members agreed to meet with the IRP and have an interview. These Members had a range of roles and SRA's, unfortunately one Member had to pull out at the last minute, therefore the Panel spoke with 5 Members. Their comments and views were borne in mind when reaching their conclusions and recommendations, therefore the Panel wish to thank the Members for their invaluable contributions.

4.4 Benchmarked data

The Panel considered the latest benchmarked data collated by South West Council's and continued to be of the opinion that this was an extremely useful tool for ascertaining how the Council compared with other similar local authorities in the region.

4.5 Annual Meeting of IRP Chairs and Advisers

The Chair of the MDDC Panel regularly attended the South West IRP Chairs and Advisers meetings to hear the views of other IRP Chairs across the region. A common theme at the last two meetings had been the challenge of the lump sum pay award, with several Council's opting to link to the increase in officer allowances of 4.04%, others looking at the average or median on the increase for staff.

5. FINDINGS AND CONCLUSIONS

5.1 Basic Allowance

5.1.2 Survey results:

Do you consider the current Basic Allowance of £6000 p.a.



Do you consider the current Basic Allowance adequately recompenses you for the time spent as a Member of Council?



How many hours per month do you spend on Council business?

1 - 5	0
6 - 10	0
11 - 15	2
16 - 20	1
21 - 25	3
Over 25	10



The annual uplift of allowances has been linked to the staff pay award (National Joint Council for Local Government services Green Book) or in the last 2 years when a flat rate was paid, the % increase in allowances. Do you consider this to be appropriate?

Yes	15
No	1



5.2 Comparison with other similar local authorities

The Panel received benchmarked data comparing all allowances with other similar councils across the South West. Regarding the Basic Allowance, it was noted that the Council paid the average amount at £6000 p.a. when compared to the 9 other councils it was listed beside. Only two other councils paid more (one being Exeter) and these had larger populations.

Given the lack of strong feelings either way regarding the current level of Basic Allowance and the fact that the Council already fared pretty well in the amount paid compared to others, the Panel were minded to recommend the Basic Allowance remain unchanged and that it continue to be linked in some way to the staff pay award.

5.3 Member Feedback

The Panel were mindful of comments from the majority of Members during the interviews and survey that there was a wish to set the allowances (and any annual increases) for the rest of the term of the Council so as to remove opportunities to politicise the process each year.

5.4 Linking the Basic Allowance to an annual index

5.4.1 The Panel were advised that Government guidance stated the following:

- a) A scheme of allowances may make provision for an annual adjustment of allowances to be ascertained by reference to an index as may be specified by the authority and contained in the scheme.
- b) Where the only change made to a scheme is that caused by the annual impact of an index contained within that scheme, the scheme shall not be deemed to have been amended, and thus an authority will not have to seek a recommendation from its independent remuneration panel.
- c) Where a panel makes a recommendation that allowance levels should be determined according to an index, it should also make a recommendation as to how long the index should run before reconsideration. In any case, an index may not run for more than four years before a further recommendation on it is sought from an independent remuneration panel

- 5.4.2 The Panel therefore felt it was legally possible to recommend a Scheme of Members Allowances until the year following the next District Council election when the new administration would receive a fresh set of recommendations from the Panel.
- 5.4.3 The Panel were informed about the recent Local Government pay settlement being a flat rate of £1290 for most staff and 2 ½ % for those on the top spinal points.
- 5.4.4 The Panel reflected that to make a link to a fixed percentage rate was potentially unfair and that it would be better to link it to something that was variable. A link to inflation or the Consumer Prices Index was considered as well as a link to the staff pay award.
- 5.4.5 The Panel were in agreement that it was not helpful to keep reviewing the situation every year but to set it for a longer period of time so that everybody knew where they were.
- 5.4.6 In conclusion, it was felt that it was fairer for the Basic Allowance to be increased at the same rate as for all MDDC employees. Therefore, the Panel were minded to recommend that the Basic Allowance of £6,000 p.a. be increased by the median (average) % of the cost of living pay rise awarded across the workforce of MDDC employees (which for this year is 4%) for a period of 3 years from 1 April 2025 and would cease on the 31 March 2028. The Basic Allowance from 1st April 2025 would therefore be recommended as being £6240 p.a. until the next staff pay award where upon the Panel's recommendation to link it to the average % increase of the staff pay award would apply.

5.5 Special Responsibility Allowances (SRA)

The Regulations provide that SRA may be paid to those Members of the Council who have “significant additional responsibilities” over and above the generally accepted duties of a Councillor. In setting the SRAs, the Panel has in the past concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance. This is an approach applied by many authorities. The Panel remains of the view that the link between the Basic Allowance and SRA is an important one. It was also noted that if the Basic Allowance recommendation from the Panel was to be approved by Council then the associated uplifts to the SRA's would also take effect as a result of this. The Panel did not feel they had received enough evidence to suggest an adjustment to the weightings currently applied was needed.

- 5.5.1 The Panel noted from the survey that there were no extreme views either way regarding the SRAs. Responders were generally in

agreement and nothing stood out to the Panel and the current levels were roughly commensurate with other similar councils.

- 5.5.2 The Panel considered several comments made during the interviews and the survey regarding the Vice Chair’s role and whether or not this warranted a SRA. They considered the number of times a Vice Chair may have to Chair a meeting in the absence of the Chair and it was felt this did not happen sufficiently often enough to warrant paying a SRA. It would lead to a situation that takes the Council above the 50% SRA rule and a risk that Vice Chair’s were effectively paid for doing nothing for the vast majority of the year, if not all of it.

The Panel did consider what would happen if a Chair was sick or unable to fulfil their Chairing role for a long period of time and needed to be deputised on a regular basis. It was felt that there needed to be appropriate wording within the Scheme of Allowances to cover this eventuality and this was discussed further under the Parental Leave section.

- 5.5.3 The Panel therefore recommend that the following levels of SRA’s are recommended to apply from 1 April 2025 with future increases to be applied annually when the staff pay award is known and the Basic Allowance is adjusted:

Position	Current Council approved weightings	Recommended SRA (based upon BA of £6240)
Leader of the Council	2.00	£12,480
Deputy Leader’s	1.00	£6,240
Cabinet Member	1.00	£6,240
Scrutiny Committee Chair	1.00	£6,240
PDG Chair	0.50	£3,120
Audit Committee Chair	0.50	£3,120
Planning Committee Chair	1.00	£6,240
Licensing/Regulatory Chair	0.25	£1,560
Standards Chair	0.25	£1,560
Chairman of the Council	0.50	£6,240

- 5.5.4 For the avoidance of doubt, the Panel continues to take the view that Members should only be entitled to claim **one** SRA. This was also borne out by the views of Members in the survey who felt that colleagues should not be encouraged to take on more than they can realistically deal with in terms of time and responsibility.

5.6 Carers Allowance

5.6.1 Survey results:

Carer's / Dependents Allowance

Do you consider that the current Dependent Carers Allowance (which is the National Living Wage hourly rate, 25 & over, which is currently £11.44) is:



5.6.2 The Panel felt that of all the allowances discussed during the interviews and the survey, the Carer's Allowance was the one that attracted most vociferous comment. This was because all responders were in favour of a Carers Allowance and where a more detailed view was expressed, it was felt that the allowance needed to be higher so as to be financially worthwhile for future councillors spending time away from domestic responsibilities. Members comments included a feeling that those with caring responsibilities were not compensated enough and also that prospective candidates were not made sufficiently aware that there was an allowance to cover caring costs. There was a lack of knowledge about what potential candidates could claim and how to claim it.

5.6.3 The Panel concluded that there needed to be a better means of advertising prior to and following elections.

5.6.4 The Panel noted that there was a broad range of repayment levels across the South West from reimbursement of 'the actual expenditure incurred' to reimbursement at the National Living Wage rate. Few said that they 'met the full cost'. The Panel felt that it was difficult to ascertain what a sensible rate of reimbursement was since all carers would charge different rates depending on the carer and the level of care needed.

As a minimum, an invoice or receipt would need to be produced by the Member claiming reimbursement.

- 5.6.5 The Panel agreed to recommend that the Carer's Allowance continue to be linked to the National Living Wage. It was noted that this had recently been increased in the Government's budget and it was not unreasonable to suggest it would go up further before the next General Election.
- 5.6.6 In conclusion, it was felt that both the Council and the political parties could do better at advertising the existence of a Carer's Allowance and how to go about claiming it. This information needed to be much more visible to potential candidates especially if parties were wanting to recruit candidates of a younger age with family responsibilities. It was also noted that only 3 out of the 16, who responded to the survey, said the current Carer's Allowance was 'too little'.

5.7 Parental Leave

- 5.7.1 The Panel noted that they had undertaken a thorough review of this area several years ago and had greatly expanded this section within the Members Allowances Scheme to cover this circumstance.
- 5.7.2 However, the Panel considered what provision there was for Members who were suffering ill health and who needed deputising for in their chairing roles and other councillor responsibilities on a prolonged basis. It was felt that there needed to be some wording within the Scheme of Allowances to cover this. It was noted in the current scheme that under parental leave there already was a provision for paying those replacing a period of parental leave and that perhaps this could be amended to also include period of prolonged illness: See below:

Councillors entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full subject to:

- (a) Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;
- (b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);
- (c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and
- (d) Should another Councillor appointed to replace the Councillor on leave already hold an SRA position, the ordinary rules relating to one SRA payment apply.

5.7.3 The Panel recommends a similar provision for those with long term health conditions on the basis that the Councillor may not want to stand down.

5.8 Travel and Subsistence

Survey results:

Do you consider the link to the HMRC rates to be valid? Yes / No



Do you consider that you are adequately recompensed for your expenses?



5.8.1 The Panel were mindful of comments made in the survey about the HMRC travel allowances being set in 2011 and not having been reviewed since that date. It was felt that they had not kept pace with

inflation or the cost of living rises. This particularly affected Members who had to travel long distances to meetings due to the very rural nature of the district. The Panel felt this was a reasonable comment to make and so took the opportunity to investigate why the HMRC rates had not increased since this date.

5.8.2 The Panel Chair provided the following information:

The unions' 2022 claim asked that, "*A separate urgent review of all mileage rates currently applying is undertaken.*" However, the unions' claim admitted, "*Most local government employers use HMRC rates for calculating mileage allowances. These rates have remained unchanged since 2011-12...*" and, "*Though NJC Green Book mileage rates do exist, they have not been updated since 2010 and are not widely used.*"

The National Employers have no role in determining HMRC rates and there is no mechanism in place for the NJC rates (apparently used by so few councils) to be reviewed.

Councils in England were advised at that year's pay briefings that should they wish the Local Government Association (LGA) to lobby HMRC to review its rates, they needed to raise the issue through the LGA Political Group offices. The Regional Employers Organisations representing councils in London, North East and Yorkshire & The Humber did so. On 13 Jul 22, the relevant board of the LGA determined to write to HMRC to request a review of that organisation's mileage rates in order to more accurately reflect the costs council workers are incurring.

His Majesty's Treasury (HMT) replied on 5 September 2022 stating that:

"The Government sets the Approved Mileage Allowance Payment (AMAP) rates to minimise administrative burdens.....AMAPs are intended to create administrative simplicity and certainty by using an average rate, which reflects vehicle running costs including fuel, depreciation, servicing, insurance, and Vehicle Excise Duty. As it is an average, the rate is necessarily more appropriate for some drivers than others.

Employers are not required to use the AMAP rates. Instead, they can agree to reimburse a different amount that better reflects their employees' circumstances. If an employee is paid less than the AMAP rate, they can claim Mileage Allowance Relief (MAR) on the shortfall. ***However, where payments exceed the relevant AMAP rate, there will be an Income Tax and National Insurance charge on the difference.***

Like all taxes and allowances, the Government keeps the AMAP rate under review and any changes are considered by the Chancellor and announced at fiscal events.”

The unions haven't raised the issue with the LGA since then. Therefore, at the current time, until the Government changes the AMAP rate there would be tax implications for payments made above the 45p per mile reimbursement.

- 5.8.3 Bearing this in mind and rather reluctantly the IRP are minded to recommend that the current link to the HMRC rates for Travel and Subsistence remain the same until such time as the Government amends the AMAP rates.
- 5.8.4 The Panel did also make the comment that staff may feel a little aggrieved if Members received a higher level of reimbursement for travel and subsistence than they do. It was also noted that one other local authority in the South West area only reimburses Members at a rate of 35p per mile, 10p less than the Council.
- 5.8.5 The Panel wished for Members to know that they had thoroughly considered this situation and the very valid comments that had been made but had felt constrained by the HMT and unable to come to any other recommendation until the AMAP rates are amended by the Government's Treasury Department.
- 5.8.6 Accordingly the Panel therefore recommends the Travel and Subsistence Allowances continue to be linked to the HMRC rates.
- 5.8.7 They continue to recommend that all claims must be submitted with receipts.

6. RECOMMENDATIONS

The Independent Remuneration Panel recommends to Full Council that from 1 April 2025 until 31 March 2028:

- a. **The Basic Allowance** of £6,000 p.a. be increased by the median (average) % of the cost of living pay rise awarded across the workforce of MDDC employees for a period of 3 years from 1 April 2025 until 31 March 2028. (NB: the % rise for 2024/2025 is 4%).

The Basic Allowance from 1st April 2025 would therefore be recommended as being £6240 p.a. until the next staff pay award where upon the Panel's recommendation would apply with whatever the median % rise is at that time.

- b. **Special Responsibility Allowances** be paid to the following Members at the levels indicated:

Position	Current Council approved weightings	Recommended SRA (based upon BA of £6240)
Leader of the Council	2.00	£12,480
Deputy Leader's	1.00	£6,240
Cabinet Member	1.00	£6,240
Scrutiny Committee Chair	1.00	£6,240
PDG Chair	0.50	£3,120
Audit Committee Chair	0.50	£3,120
Planning Committee Chair	1.00	£6,240
Licensing/Regulatory Chair	0.25	£1,560
Standards Chair	0.25	£1,560
Chairman of the Council	0.50	£3,120

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the National Living Wage of a person over 25.

- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
- 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
 - 24p per mile for motorcycles
 - 20p per mile for push bikes
- f. That subsistence allowances be linked to those of the staff, currently these are as follows in each case up to a maximum of:
- One meal (5 hour) ceiling Upper limit £5
 - Two meal (10 hour) ceiling Upper limit £10
 - Three meal (12 hour) ceiling Upper limit £15
 - 24 hour ceiling Upper limit £20
- g. That **all** claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h.** That the wording in the scheme regarding parental leave and SRA's also will apply to prolonged illness and Vice Chairs:

Councillors entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full subject to:

- (a) Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;
- (b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);
- (c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and
- (d) Should another Councillor appointed to replace the Councillor on leave already hold an SRA position, the ordinary rules relating to one SRA payment apply.

THANKS

The Panel wishes to thank all Councillors who took part in the Fundamental Review of Members Allowances. The process would not have been possible without their time and input.

Independent Remuneration Panel

John Smith
Karen Stone

18 December 2024

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Draft for approval

MEMBERS' ALLOWANCES SCHEME 1 APRIL 2025 – 31 MARCH 2028

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1st April 2025 until the 31st March 2028.
2. In this scheme:

"Approved Duties" means those duties set out in Schedule 2

"Councillor" and "Member" both mean an elected Member of Mid Devon District Council; and

"year" means the twelve months ending with 31st March.

Basic Allowance

3. Subject to paragraph 6, from 1st April 2025 a Basic Allowance of £6,240 per annum shall be paid to each Councillor. This shall be increased by the median (average) % of the cost of living pay rise awarded across the workforce of MDDC employees each year for a period of 3 years from 1 April 2025 until 31 March 2028.

Special Responsibility Allowances

4. (a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Council that are specified in the Schedule to this scheme. These allowances shall be calculated based upon a weighting applied to the Basic Allowance. Any increase in the Basic Allowance as a result of a staff pay award will therefore also result in an increase to the Special Responsibility Allowances.
- (b) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that Special Responsibility in Schedule 1.
- (c) No Councillor is entitled to claim more than one Special Responsibility Allowance.

Renunciation

5. A Councillor may, by notice in writing given to the Deputy Chief Executive (Section 151 Officer), elect to forego any part of their entitlement to one or more allowances under this scheme.

Part-Year Entitlements

6. Where a Councillor's entitlement to an allowance in this scheme begins or ends (for whatever reason) part of the way through the year, their entitlement to such allowance will be in the same proportion as the number of days during the term of office to the number of days in that year.

Carer's Allowance

7. Subject to paragraph 6, a Councillor can claim a Carer's Allowance for Approved Duties, except where Schedule 2 states that such an allowance is not payable.
8. The following conditions and limitations apply to any claim for a Carer's Allowance:
- (a) The carer must be over the age of 18 and someone who does not normally live with the Councillor as part of their family or household;
 - (b) The person being cared for is a dependent of the Councillor and is:
 - (i) a child under the age of 14;
 - (ii) an elderly person; or
 - (iii) someone with a recognised disability who cannot reasonably be left unsupervised for the period during which the Councillor is going to be absent on an Approved Duty;
 - (c) Where the care is booked and paid for by the hour, Councillors may claim the hourly rates set out in sub-paragraph (e) for the time incurred in the Approved Duty, plus the reasonable travelling time taken by the Councillor in:
 - (i) carrying out the Approved Duty; and
 - (ii) dropping off or picking up the dependant at the place of care before and after the Approved Duty;
 - (d) Where the care can only be booked and paid for as a fixed period or session, Councillors may claim for the duration of the fixed period or session plus the reasonable travelling time taken by the Councillor in dropping off or picking up the dependent at the place of care before and after the Approved Duty. If the location or timing of the Approved Duty means that two or more fixed periods or sessions need to be booked, Councillors may claim for those periods or sessions. The amount payable will be the hourly rate set out in sub-paragraph (e), unless the dependent is a child (see sub-paragraph (b)(i)) attending an Ofsted registered nursery, pre-school or playgroup – in such cases, if the hourly rate would not cover the cost of the fixed period(s) or session(s), the actual cost may be claimed;
 - (e) The hourly rate is the National Living Wage (25 and over);
 - (f) Councillors may also claim for the carer's reasonable expenses incurred whilst the dependent is in their care in accordance with this paragraph 8, provided the Councillor produces the relevant receipt from the carer in respect of those expenses.

Parental Leave or Prolonged Illness

9.
 - (a) The provision covers the period of absence taken following the birth or adoption of a child. Councillors are still required to attend at least one meeting of the authority in any six month period (as per S85 Local Government Act 1972).
 - (b) The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.
 - (c) Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).
 - (d) The Council will help ensure Councillors have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.

10. The following leave periods will apply.
 - (a) Councillors giving birth / adopting through an approved adoption agency shall be entitled to take up to six months leave from the due or placement date, with the option to extend up to 52 weeks by agreement.
 - (b) Where a birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the six months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial six months.
 - (c) Councillors are entitled to take a minimum of two weeks leave if they are the biological parent or nominated carer of their partner/spouse following the birth of their child(ren).
 - (d) A Councillor who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.
 - (e) Where both parents are Councillors, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks.
 - (f) Any Councillor taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.
 - (g) Unless the Councillor taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.
 - (h) If a Councillor decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date). If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the Basic Allowance (and any Special Responsibility Allowance) will cease from the Monday after the election date when they would technically leave office.

11. The relevant Councillors will receive their Basic Allowance in full throughout the agreed period of leave.

12. Councillors entitled to a Special Responsibility Allowance (SRA) who are claiming Parental Leave or who are absent because of a prolonged period of ill health and

whose duties need to be covered by their Vice Chairs, will continue to receive this in full subject to:

- (a) Where a replacement is appointed to cover the period of leave or illness, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;
- (b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);
- (c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and
- (d) Should another Councillor appointed to replace the Councillor on leave, or absent through ill health, already hold an SRA position, the ordinary rules relating to one SRA payment apply.

Travelling Allowances and Subsistence Allowances

13. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in Schedule 1 to this scheme in connection with or relating to the Approved Duties set out in Schedule 2. The start point for a Councillor claiming travel to attend a meeting must usually be within the administrative boundary of Mid Devon.

Payments

14. (a) Payments of the Basic and Special Responsibility Allowances will be made (subject to sub-paragraph (b)), in twelve monthly instalments – one twelfth of the amount specified in this scheme will be paid on the 22nd day of each month.
- (b) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which they are entitled, the payment will be adjusted to ensure that no more is paid than the amount to which the Councillor is entitled.

Claims

15. Claims for the payment of Carer's Allowance and Travelling and Subsistence Allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

Pensions

16. None of the allowances contained within this scheme are eligible for inclusion within the Local Government Pension Scheme.

Tax and Benefits

17. Income Tax

- (a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- (b) The HMRC is notified of the names and addresses of all Councillors who claim taxable allowances. Tax is deducted at basic rate until the HMRC notifies the Council of the appropriate tax code for each Councillor.

- (c) Some expenses incurred by Councillors in the course of their Council duties may be deductible against tax. Any Councillor who believes that some of their expenses as a Councillor may be tax deductible should seek appropriate tax advice.

18. National Insurance Contributions

- (a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Councillors.
- (b) Some Councillors may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- (c) Some Councillors - married women or widows who have elected to pay reduced rate NI Contributions - may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- (d) Councillors who are self-employed may also be subject to different levels of NI Contributions.
- (e) Councillors who believe that they fall into any of the above categories should contact the Corporate Manager for Finance who will seek further information to assist with the query. Councillors should also obtain the appropriate certificates from the Department for Work and Pensions (DWP).

Chairman's Civic Budget

19. The Chairman of the Council is allocated a small budget for civic functions, not to exceed £2,000 per annum and to be agreed each year. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

SCHEDULE 1

With effect from 1st April 2025, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£12,480
Deputy Leader of the Council	£6,240
Cabinet Member	£6,240
Chairman of Scrutiny Committee	£6,240
Chairmen of Policy Development Groups	£3,120
Chairman of Audit Committee	£3,120
Chairman of the Planning Committee	£6,240
Chairman of the Licensing/Regulatory Committee	£1,560
Chairman of the Standards Committee	£1,560
Chairman of the Council	£3,120

With effect from 1st April 2025*, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

- (a) Travelling Allowances:
- 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a max 4 passengers, payable to the driver)
 - 24p per mile for motorcycles
 - 20p per mile for push bikes

*

- (b) Subsistence Allowances
- One meal (5 hour) ceiling Upper limit £5
 - Two meals (10 hour) ceiling Upper limit £10
 - Three meals (12 hour) ceiling Upper limit £15
 - 24 hour ceiling Upper limit £20

*

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

Note: *HMRC rates come into effect on the 1 April each year and therefore these amounts to be increased (or decreased) accordingly at that time.

SCHEDULE 2

Description of Approved Duty	Carer's Allowance	Travel & Subsistence
1. Councillors attending meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards and Regulatory Committees (includes Substitutes), whether members of that body or otherwise	YES	YES
2. Duly appointed Councillors attending meetings of bodies to which the Council makes appointments	YES	YES
3. (a) Any meeting authorised by the Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees to which Councillors of more than one Political Group have been duly (and specifically) appointed	YES	YES
(b) Non duly-appointed Councillors	NO	YES
4. A meeting of a Local Authority Association	YES	YES

5.	Any conference or meeting of a body where the Council, Cabinet or a Committee have agreed to send the Councillor as a representative	YES	YES
6.	(a) Any visits or inspections undertaken by Councillors, approved by the Council or any Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees (includes Councillors who are members of the body, Committee, Group and substitutes)	YES	YES
	(b) Non-Committee Members attending such visits or inspections by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees.	YES	YES
	(c) Non-Committee Members attending uninvited	NO	YES
7.	Councillors attending as a member of a deputation approved by the Council, the Cabinet, Policy Development Group, Audit, Scrutiny, Standards or Regulatory Committees.	YES	YES
8.	Attendance by Chairman or Vice-Chairman of the Council, Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	Attendance by Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty undertaken by a Councillor for which express authority from time to time is given by the Council or in case of emergency by the Chairman or Vice-Chairman of the Council	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Councillors attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the specific request of a Parish Council	NO	YES

Notes:

- a. In all cases, the duties for which claims are made must have been approved prior to the event.
- b. Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited
- c. Other Briefing meetings fall within (8) above.

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