

MINUTES of a MEETING of the GRAND WESTERN CANAL JOINT ADVISORY COMMITTEE held on 23 July 2024 at 7.00pm

JAC Members Present:

Cllr L Cruwys	Mid Devon District Council (Chair)
Mr P Brind	Tiverton Canal Company
Mrs P Brind	Mid Devon Moorings
Cllr K Browse	Halberton Parish Council
Cllr S Bush	Tiverton Town Council
Cllr G DuChesne	Mid Devon District Council
Cllr B Fish	Mid Devon District Council
Mr John Hampshire	Cycling UK
Mr R Hodgson	Friends of the Grand Western Canal
Mr R Jones	Devon Bird Watching and Preservation Society
Cllr L Kennedy	Mid Devon District Council
Cllr J Lock	Mid Devon District Council
Cllr A Pilgrim	Holcombe Rogus Parish Council
Mrs J Pilgrim	Inland Waterways Association
Mr P Saupe	Tiverton Sea Cadets
Cllr C R Slade	Devon County Council (Vice-Chair)
Mr M Trump	Tiverton and District Angling Club
Mr T White	Friends of the Grand Western Canal
Cllr S Taylor	Sampford Peverell Parish Council (online)

Also Present:

Mrs J Brind	Tiverton Canal Company
Cllr G Czapiewski	Mid Devon District Council
Cllr C Harrower	Mid Devon District Council
Cllr S Keable	Mid Devon District Council

Officers:-

Mr R Marsh	Director of Place and Economy, MDDC
Mr T Peat	Forward Planning Team Leader, MDDC
Mr T Muston	Conservation Officer, MDDC
Mr R Walton	Public Rights of Way & Country Parks Manager, DCC (online)
Mr M Baker	Country Park Manager, DCC
Mrs L Woon	Democratic Services Manager, MDDC
Mrs S Lees	Democratic Services Officer, MDDC
Mrs A Howell	Democratic Services Officer, MDDC

30 **APOLOGIES**

Apologies were received from Peter Burgess, Cllr Andrea Davies, Cllr Ray Radford, Cllr G Westcott and Cllr J Wright.

31 **MEETING MANAGEMENT**

The Chair explained that to help with any questions that members of the public may have the Committee would go straight to Item Agenda 4 this evening.

32 **GRAND WESTERN CANAL CONSERVATION AREA CONSULTATION**

The Director of Place and Economy thanked all of the Grand Western Canal (GWC) Joint Advisory Committee (JAC) Members and members of the public for attending this evening. He explained that the purpose of this evening was to explain why the GWC consultation was taking place and the steps that would follow after the consultation had been completed. He hoped this meeting would support a discussion and assist the Committee in making a representation to the consultation.

The following was outlined:-

- The consultation would run for a period of 8 weeks until 16th September 2024.
- It was a consultation – no decisions had yet been made and all responses were welcome.
- A large number of people had attended the Open Event today and all comments captured would be reflected upon.
- The consultation process related to the proposed changes to the canal conservation area boundary and its Management Plan.
- It did not relate to the Tidcombe Hall Planning Application. This was a stand-alone item.
- The reason why the consultation was taking place now was because all conservation areas had to be periodically reviewed and Mid Devon District Council (MDDC) were under an obligation to review conservation areas.
- The canal was identified as it was one of the most significant areas in Mid Devon and it was deemed important to prioritise this first.
- It was the intention that this would be a positive step in terms of safeguarding and protecting the canal and its setting.
- Conservation areas were areas with a special character or quality which should be preserved or enhanced. The special architectural and historical nature of the area derived from the cumulative impact of groups of buildings and spaces rather than due to a singular outstanding building.
- It did not mean that no change or development could take place but where change did occur it must be appropriate for the context and setting of the area.
- For questions raised regarding the benefits of renewing the conservation areas – firstly it was to ensure that conservation areas were protected and it ensured that the value of conservation areas was understood and demonstrable. Secondly it was to ensure that they were robust and at less of risk of being challenged. The Council needed up-to-date, current, robust conservation areas to help support the Local Planning Authority (LPA) in its own decision making.

- There were other material considerations that officers and planners would have to bear in mind that may come forward. Formal boundaries could change but setting was still key and an important consideration.

He also reminded members to provide as much information and supporting evidence as possible to make maximum use of the consultation process in supporting comments made.

Cllr S Keable, Cabinet Member for Planning and Economic Regeneration informed the Committee of the following:-

This was the first review in 30-years for a document which guidance now suggested should be reconsidered every 5 years. The Council were compelled to take account the legislative changes introduced last year through the National Planning Policy Framework (NPPF).

There were 2 examples of parcels of land that had been excluded. The following presentation would consider those. Those exclusions were minimal and had the intention to strengthen the Plan and the position of the Council to resist inappropriate development by having an up-to-date recently assessed Conservation Area Appraisal & Management Plan for the canal.

Support for the status quo could have the opposite effect enabling challenges to the Planning Inspectorate at Appeal by a developer. The designated conservation area must be robust.

Through the consultation, if evidence was identified to indicate there was special architectural or historic interests, the proposed conservation area boundary would be amended. However, evidence must be also be robust and supported in writing.

The Committee were then presented with a presentation outlining the purposes of the consultation by the Conservation Officer. The following was highlighted:-

- The guidance suggested that conservation areas should be reviewed every 5 years.
- The purpose of the Appraisal and Management Plan is to set out the special architectural or historic interest. It identifies individual features or characteristics that contributed positively to the areas character or appearance and how those related to the special interest.
- The GWC was first designated in October 1994. The current review required a measure of reappraisal and LPA's 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 lacked special interest.
- Tidcombe Hall and Snakes Wood were the 2 main areas on people's minds – the Council had to look back through evidence to see why it was included.
- For Tidcombe Hall, the tithe map and apportionments show no close historic relationship to the GWC and listed the area in the ownership of James Buttler of Little Tidcombe (Farm). The land was historically and remains that of agricultural land.

- The conservation area designation is not generally an appropriate means of protecting the wider landscape (agricultural use of land falls outside the planning framework and is not affected by designation as a conservation area) but it could protect open areas particularly where the character and appearance concerned historic fabric, to which the principal protection offered by conservation area designation relates.
- For Snakes Wood, the Tithe map show no historic association. Documentary evidence also indicated no close historic association.
- As woodland it holds no intrinsic architectural interest. Historic England advised that designation made solely to protect veteran trees are 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. Veteran trees may be a more problematic aim because the criteria for TPOs generally excluded trees which were 'dead, dying or dangerous'
- It is proposed to include the Grade II listed limekilns by Westleigh Quarry.
- The buildings special architectural or historic interests is recognised by its inclusion upon the National Heritage List for England (NHLE). The area was known to have close historic associations to the GWC.
- With regard to the setting of the GWC - The surroundings in which a heritage asset was experienced. Its extent was 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.
- Following a staged approach, Step 1, Step 2 and Step 3. Step 2 provided a non-exhaustive checklist of attributes of a setting which may help to elucidate its contribution to significance.
- 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.
- The key point when considering the proposed changes to the Conservation Area boundary meant that areas around the canal which were not formally designated as part of the conservation area would still be carefully considered (especially where planning applications were made) as they may affect the setting of the canal – and those matters would need to be carefully considered when determining applications.
- The role of a conservation appraisal is a positive way to manage the area and guide future change; it provides general guidance; and as adopted guidance it would aid in the determination of applications. There is a statutory duty on those making decisions affecting conservation areas to pay “special attention” to preserving or enhancing their character or appearance.
- The next steps after the consultation – all consultation comments would be reviewed and fully considered. Updated documents, incorporating consultation comments and responses to those comments, would be presented to and discussed with Councillors.

Cllr S Keable, Cabinet Member for Planning and Economic Regeneration asked all those present to ensure that any comments made were submitted in writing to allow accurate recording and to provide any relevant evidence to support the comments as it would assist the officers in considering what amendments would be required.

Updated documents incorporating consultation comments and responses would be presented and discussed with Mid Devon Councillors. A document would then be presented to Cabinet for approval in October/November 2024. This document would detail the consultation undertaken, the consultation responses received, any changes made as a result and would include a recommendation based on and accounting for all of the above.

Questions from JAC Members:-

Cllr G Westcott

I am sorry that I will be unable to attend the next meeting on 23rd July when I will be away.

I don't have a specific question about the changes, but I wish to put on record that I am concerned about the removal of Conservation status from parts of the Country Park, and would like to see it retained to ensure that development near to the canal contributes or at least doesn't harm its setting. I am particularly concerned that it is retained for Snakes Wood, which is of great value for biodiversity and the enjoyment of tourists taking trips on the canal itself.

Answer from Forward Planning Team Leader

Where areas were proposed to be removed from the conservation area those would continue to form part of the setting of that conservation area and the surroundings in which the conservation area was experienced. Development within the setting of a conservation area could harm the significance of the heritage asset and therefore particular consideration would be given to the impact of planning proposals in those locations.

Jane Pilgrim – representing Inland Waterways Association

I understand that there has to be a review of this and other Conservation Areas 'from time to time', but with so many other matters in Mid Devon that require attention, I wonder why the Cabinet feel that now is an appropriate time to spend time and money on this particular review? Perhaps the money would have been better spent in NOT cutting the Grand Western Canal budget.

Answer from Forward Planning Team Leader

The Grand Western Canal was arguably the most significant conservation area in Mid Devon and had not been reviewed in 30 years. For those reasons it was deemed important to prioritise the review and to update the designation of the conservation where necessary to ensure this remained robust for planning purposes.

Adam Pilgrim- representing Holcombe Rogus Parish Council

Q1. The delay in launching the Public Consultation has meant that its terms were not available for GWCJAC members' timely consideration prior to our Extraordinary Meeting on Tuesday. It seems that the Consultation doesn't appear to have any obvious differences made since the original reveal to Cabinet members of proposed

changes in early June. Consequently, the reason for the delayed launch could be interpreted as obstructive.

Q2. Secondly, to assist with our assessing the validity of the proposed Conservation Area changes, the Officer(s) attending on Tuesday evening should be able to explain why the numerous proposed deletions were included originally. I haven't been able to find this information on the MDDC website since my searches are dominated by references to the current Appraisal.

Answer from Forward Planning Team Leader

A1. The public consultation had been commenced as soon as practicable following the Cabinet approval for a public consultation coming into effect from 11th June. The time that had elapsed since had provided a period in which public awareness of the Council's proposals had been raised about the consultation in advance of its commencement. There had been a need to make arrangements for the public drop in event, prepare exhibition materials, and for the meeting of the JAC.

A2. The Council's Conservation Officer would provide a presentation to the meeting of the JAC which would explain the proposed changes to the conservation area designation.

Adam Pilgrim also commented that he appreciated the mechanics had been explained however it would be useful to have sight of the original designation to help make comparisons now.

The Forward Planning Officer explained that a report had gone to Cabinet in 1994 to designate the conservations areas and had showed a map but there was very little explanation as to how it was defined in the report.

Cllr L Kennedy expressed a Declaration of Interest as he lived on the canal and used it daily.

Discussion took place regarding:-

- Whether other conservation areas in Mid Devon would be looked at and why was the Canal chosen first? It was explained that there were others conservation areas but that the GWC was chosen due to its importance in the District. There were many other conservation areas and these would also need to go through a review process. Due to limited capacity there was no running order. It was the intention to review them all as the Council should.
- The resistance to removing Snakes Wood due to this being a magical part of the canal where the horse drawn barge passes.
- Once the consultation was complete would the recommendations also go to Full Council? It was explained that it would not go to Full Council as it would go to Cabinet this is due to it being an existing policy and not a new one.
- Cllr L Kennedy explained that it could go to Scrutiny if called in.
- The recommendation to include Cracker Corner and the limekilns at Westleigh Quarry was welcomed.
- Whether if Snakes Wood were to be kept in the conservation area – would this weaken or strengthen our position or would it make no difference. It was explained that where areas do not meet the criteria then it devalues the area.

Any applicant could put in a proposal/application and the Council would have to justify its inclusion and show why it would be relevant to the conservation area (its significance). This had to be robust as it could be challenged in the future as questions could be asked as to why it was worthy of designation or query what made it of special interest. As a Council we need to answer those questions. If it was shown not to be robust and incorrect then an appeal could be upheld.

- Whether Devon County Council (DCC) had been represented in the consultation. It was explained by the Vice-Chair, County Councillor Cllr Colin Slade that the DCC Country Park Manager was online and that DCC Councillors also sat on the Committee but that they had sent their apologies.
- Cllr Steve Bush, Tiverton Town Council explained that the tithe map was later than the date of the construction of the canal. At the time of construction there was a pronounced bulge around Tidcombe Hall as they refused permission for the canal to cross the land at the time. The reason why the bridge was there was due to this. Lower Tidcombe Farm was owned by Tidcombe Hall and was in joint ownership which was why the 2 fields were part of the canal. The shape of the canal was driven by the relationship of those two properties. Snake Wood was called this due to its shape. The wetland was waterlogged because of the canal. The unique nature of this directly related to the canal – which should justify to keep both of those as part of the conservation area. The Lower Tidcombe Farm and the land around it should also be included as it gave the shape of the canal.

With regards to the archaeology, the 2 fields had never been investigated and so no work had been carried out to prove if they were of interest. We did 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.

It also had a medieval water course that came down and there was a damp patch in one of the fields and was very water logged. There was believe that there could have been a medieval fish pond and the remnants of the fish pond could still remain. However this had never been investigated. The Forward Planning Officer thanked Cllr Bush for this insight and explained that information like this was what was needed through the consultation. This would be looked at and any necessary work would be undertaken. He encouraged respondents to the consultation to draw the Council's attention to historic records or other information that they thought was relevant to the canal so this could be carefully considered.

- The fact that the Committee members had worked hard to protect the canal and wished to continue to do this for future generations and rather than to reduce the conservation instead the Council should look to expand them along the length of the whole canal and not just focus on Tiverton.
- Members of the Committee thanked officers for their work and for taking the time in helping to explain the consultation.

It was **AGREED** that the following Grand Western Canal Joint Advisory Committee representation would be made to the Grand Western Canal Conservation Area Appraisal and Management Plan Consultation:-

To ask officers to reconsider the area to the east of Tidcombe Hall and Snakes Wood and to welcome the addition of Cracker Corner and limekilns by Westleigh.

To encourage all members of the Grand Western Canal Joint Advisory Committee to go back to Parish Council's and external bodies and encourage them to participate in the consultation. To also encourage members of the public to take part in the consultation.

(Proposed by Cllr G DuChesne and seconded by Cllr Colin Slade)

Notes:-

Cllr J Lock, Cllr A Pilgrim and Mrs J Pilgrim abstained from voting and wished this to be noted.

33 **PUBLIC QUESTION TIME**

The following public questions were received:-

Barbara Downes – question submitted in advance of the meeting so a reply could be given at the meeting.

The Appraisal should be carried out every 5 years – how has this been Missed?

With regard to Snakes Wood it is so beautiful and heavy with trees, birds, bats, deer and wildlife. It is such a magical place. If this was to be removed from the conservation area it would be a disaster. People come again and again to go on the horse drawn barge and when they reach this bit it's very magical and we would not want this to be altered.

Answer from Forward Planning Team Leader

The Grand Western Canal conservation area was designated in 1994 and had not been reviewed since. This was 30 years ago and was a significant period of time in which there had been many changes within in close proximity and affecting its wider setting – including the development of the Tiverton Eastern Urban Extension.

Legislation¹ requires that from time to time to review the designation of conservation areas. Historic England's advice² was that reviews should be undertaken every five years.

There was a need to safeguard the value of the conservation area through making sure the designation continues to be robust for planning purposes. The extent of the conservation area should include features that were of special architectural or historic

Goff Welchman – question not submitted in advance so a written reply to be sent within 10 working days and published on the website.

Last Thursday evening I went for one of my usual runs long the tow path of our canal. The sun shone on the fields and trees, a heron flew across my path and a duck with her ducklings swam to the south bank to get out of our way. A Kingfisher kept his beady eye on me from across the water and although I saw no water voles that evening they have recently been spotted by other runners and walkers.

Firstly I find it highly suspicious that the Council officers who of course benefit from increased populations and budgets as far as their careers are concerned are suddenly now attacking the conservation area just as the 5 year housing land supply is up for discussion. I believe that any reduction in this conservation area will create open season for housing development not just the Tidcombe Hall application but for housing all along the south bank of the canal from Tidcombe to Crownhill. Horrendous – that would certainly kill off the canal barge company

The Council have declared a climate emergency and should protect as much green space as possible, especially trees.

The Head of the National Canal and River Trust has confirmed the storms this winter caused millions of pounds worth of damage with towpaths washed away, land slips and burst culverts.

Therefore if this Council erodes this conservation area leading to a concreting over of the south bank of the canal the predicated ever increasing storms of our climate emergency could lead to flooding devastating all housing north and below the level of the canal.

Does our Council wish to face lawsuits from displaced residents who have previously warned them of the folly of any further buildings.

This conservation area should be extended not diminished in order to protect this beautiful green space which also provides our main revenue from tourism.

You may remember the attempt 40 years ago to build the massive housing estate of around 800 properties on Tidcombe Fen.

My wife who is a biology graduate with a special interest in botany surveyed the fen, found a number of rare flowers and her evidence resulted in the fen receiving its triple SI status.

Snakes Wood part of the conservation area under attack may well contain special botanicals which would have gone over by now and won't appear again until next spring.

Therefore if our Council were to foolishly entertain the idea of reducing the conservation area they should wait until a full botanical survey can be carried out next year.

Hopefully it won't come to that and this wholly inappropriate proposal will be dropped forthwith.

Furthermore a recent survey has identified sufficient space on brownfield sites in England alone for around 1.2 million homes so we should not consider weakening any of our conservation areas to satisfy the ambitions of a few officers. We have a wonderful heritage to protect right on our doorstep which has just celebrated 50 years of providing pleasure to generations of locals and tourists.

It's the duty of everyone at our Council to ensure that this pleasure remains available to future generations as well.

Over 3000 local residents who signed our petition so far agree. Let it not be on our watch that this area is destroyed.

Victoria Pugh – question not submitted in advance so a written reply to be sent within 10 working days and published on the website.

I'd like to start by thanking members of the JAC for the important work you all do on our behalf, as custodians of our much loved Grand Western Canal.

It is a heavy responsibility that you carry
environmentally
historically
ethically
economically

As we all know, this is widely viewed as The Jewel in Mid Devon's crown. And we must all tread lightly here....

I've been doing some homework!!!

The JAC's stated mission is

"To provide the main mechanism for the collation of LOCAL VIEWS relating to the management and maintenance of the canal".

So thank you for inviting local people for whom the canal is such an important part of our daily lives to express our views.

Devon County Council states its aims "to maintain and conserve for the future the integrity of the GWC as a peaceful, attractive and wildlife-rich corridor that benefits LOCAL Communities".

And one final quote regarding Conservation areas, Historic England specifically directs councils "to LISTEN to Local Views.

So we ask, why remove Conservation Area status from ANY part of the canal? Many questions remain. Amongst them, referring to the fields to the east of Tidcombe Hall for example,...Has due diligence been carried out to research historic GWC links between the Grade 2 Little Tidcombe Farm and Lower Warnicombe House, both of which connect to the canal-side fields immediately to the east of Tidcombe Hall.

55 years ago, local people made THEIR views clear when they marched along the then unrestored tow-path and fought to save the canal from being filled in and built over.

But for those 1200 local people who dared to dream of what might be, we wouldn't be here tonight, there would be no JAC and, of course, no western section of the Grand Western Canal.

So to the Local views then in 2024.

We are hugely protective of the canal and its glorious setting. Judging by the comments on the online petition, supported by over 3000 people to KEEP the conservation areas, local people think the JAC, along with Mark Baker's excellent team, is doing a great job in conserving the canal for everyone to enjoy. It is a thriving site for wildlife and nature, a rare haven of tranquillity and diversity. Something that we can all be proud of.

So members of the JAC, we ask you tonight to please fulfil your duty to protect the GWC for future generations, by voting to REJECT the proposal to remove Conservation Status from any part of the canal.

Dermott Elworthy – question not submitted in advance so a written reply to be sent within 10 working days and published on the website.

I haven't prepared a formal presentation - instead I should just like to make the brief observation that under the Listed Buildings and Conservation Areas Act of 1990, the council is required to review the Conservation Area as it currently applies to the canal, the Listed Tidcombe Hall and adjacent land.

Now, it commonly is thought that such considerations are confined to buildings or artefacts of historical note. But such is not necessarily the case. I would point out that with respect to any buildings or other land in a Conservation Area, exceptional attention must be given to the desirability of preserving or enhancing the character or appearance of that area. This particularity is mandated in Sections 16, 66 and 72 of the Act and in this instance, must include that parcel of land to the East of the Hall and which borders the canal; land which a previous administration had the foresight to incorporate within the Conservation Area.

Chairman, I dispute the validity of the arguments that have been advanced in support of amending the existing area. Clearly, there is an obligation to consider the current arrangements but most certainly, there is no compulsion necessarily to make any changes at all thereto and I submit that those alterations mooted are un-necessary, in several respects contrary to the aims of the Act and unwanted – unwanted as evidenced by the local petition currently exceeding three thousand objections made by those who have elected councillors to their present positions.

This is the largest response to a matter of this type that we have ever had and is illustrative of the depth of feeling shared by local people.

In the light of the foregoing, I submit that the amended plan is without merit and should not be put forward for further consideration.

34 MINUTES OF THE PREVIOUS MEETING

The minutes from the meeting held on 4th March 2024, having been previously circulated, were approved as a correct record.

35 DATE OF THE NEXT MEETING

The date of the next meeting was scheduled for Tuesday 1st October where the Committee hoped to receive an update on water transfer.

(The meeting ended at 21:04)

CHAIR