

Grand Western Canal Joint Advisory Committee Public Questions and Answers – 23.07.24

Name of person submitting	Questions
<p>Goff Welchman</p> <p>Page 1</p>	<p>QUESTION</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Does our Council wish to face lawsuits from displaced residents who have previously warned them of the folly of any further buildings.</p> <p>This conservation area should be extended not diminished in order to protect this beautiful green space which also provides our main revenue from tourism.</p>

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.

Response from Forward Planning Team

The review of the Grand Western Canal Conservation Area is a technical exercise that focuses specifically on the canal as a heritage asset. The Council recognises the wider importance of the Grand Western Canal in terms of how it is used and experienced by local residents and visitors for recreation and leisure, its benefits to health and well-being, and its biodiversity 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 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 style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 3</p>	<p>The review of the Grand Western Canal Conservation Area is part of the Local Planning Authorities (LPA's) duty as directed under Section 71(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to formulate and publish proposals for the preservation and enhancement of the area. The legislation states that this should be done from 'time to time', however, best practice suggests every 5 years.</p> <p>Conservation Areas are designated due to their historic or architectural interest. The National Planning Policy Framework (NPPF) directs that LPA's should ensure an area justifies such status and that the concept of conservation is not devalues through the designation of areas that lack special interest. Historic England advises the following:</p> <p>'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. Veteran trees may be a more problematic aim because the criteria for TPOs generally exclude trees which are 'dead, dying or dangerous'.</p> <p>The review of the Grand Western Canal Conservation Area is not connected to any planning proposals for development in the vicinity of the canal.</p>
<p>Dermot Elworthy</p>	<p>QUESTION 1</p> <p>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.</p> <p>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.</p> <p>Chairman, I dispute the validity of the arguments that have been advanced in support of amending the existing area.</p>

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.

Response from Forward Planning Team

The draft Grand Western Canal Conservation Area Appraisal and Management Plan has been prepared in accordance with relevant legislation, national and local planning policies and guidance.

The Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory requirement for local planning authorities 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. This directs local authorities to ensure that an area has sufficient special architectural or historic interest in order to not to devalue the concept of conservation (Paragraph 197). Historic England as the government's statutory adviser provides and updates guidance on the Historic Environment. This includes the 2019 *Conservation Area Appraisal, Designation and Management 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>Vicky Pugh</p> <p>Page 5</p>	<p>QUESTION</p> <p>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.</p> <p>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.</p> <p>And we must all tread lightly here....</p> <p>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.</p> <p>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".</p> <p>And one final quote regarding Conservation areas, Historic England specifically directs councils "to LISTEN to Local Views.</p> <p>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.</p>
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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.
Why had the important Grade 2 listed Little Tidcombe Farm been omitted from the relevant section of the report and had a thorough site visit been carried out to assess the importance of the property in relation to the conservation area?

Response from Forward Planning Team

The draft Grand Western Canal Conservation Area Appraisal and Management Plan has been prepared in accordance with relevant legislation, national and local planning policies and guidance. It has been informed by evidence available to the Council, including historic records. This is a draft document and any further evidence submitted as part of the public consultation will be considered.

Conservation areas are designated for their special architectural or historic interest. The levels of interest (architectural and historic) may vary and one may be considered more important than another. The special interest of the Grand Western Canal is mainly derived from its historic importance as an early form of transportation within the industrial era, and the historic buildings constructed along its length, notably the many bridges, further contribute to this. Tidcombe Farmhouse is outside of the existing conservation area boundary. It is Grade II listed and the list description provides the date of the building being probably sixteenth-century in origin (list entry number: 1384974), which pre-dates the construction of the Grand Western Canal in about 1810. 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. Officers have conducted site visits in the area and along the entire length of the canal. Specifically, the area around Tidcombe Hall and Tidcombe Farm was closely assessed during site visits.

The public consultation on the draft Grand Western Canal Conservation Area Appraisal and Management Plan provides an opportunity for people to have their say on the document and its proposals. This can include providing the Council with evidence in relation to features of special architectural or historic interest which would merit their inclusion in the conservation area. The Council will carefully consider all comments that have been received and will make any changes that are considered necessary to the document before making a decision to approve it.

The review of the Grand Western Canal Conservation Area is a technical exercise that focuses specifically on the canal as a heritage asset. The Council recognises the wider importance of the Grand Western Canal in terms of how it is used and experienced by local residents and visitors for recreation and leisure, its benefits to health and well-being, and its biodiversity 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 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.

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