



# LYNTON & BARNSTAPLE RAILWAY. NEWSLETTER

L&BR Newsletter No. 79 February 2023

## **2022 - The Last Word**

The railway performed very well last year, much better than had been anticipated. The Christmas bookings and receipts were very good with the Tea Room proving to be a huge benefit.

Well done to all those who put in so much effort to operate the railway and catering at that time of year. Now we look forward to April 1st. (Yes really!)

## **Section 73 Planning Application**

The reasons for our applying for a Section 73 on the Planning Permissions for the extension to Blackmoor have been set out before. In essence it was required to amend the 'Grampian' conditions imposed in 2018 by Exmoor National Park, which required the L&B to own all the land, have all the funds and have placed all the contracts before any work was started. The following statement explains the current position.

## **Planning report for members 13th February 2023**

The Trustees apologise for the lack of news since December, but this has been a complex and demanding process and only now do we have a clear understanding to report to you.

Exmoor National Park granted planning permissions for the Phase IIa reconstruction of the line from Killington Lane to Blackmoor Gate in March 2018. Numerous planning conditions (144 in total) were applied which included the notorious 'Grampian Conditions' which state that no works can be undertaken without ownership of all the required land, all the funding and all contracts in place for all the works. These permissions expire on 7th March 2023.

In May 2021, following Legal Counsel's advice, the Trust engaged Arup as Planning Agents to prepare section 73 (s73) planning applications seeking variation to the Grampian Conditions to enable staged development and opening of the Phase IIA extension.

In an initiative to avoid the bureaucratic delays in the planning process that had been experienced during the original planning application, a Planning Performance Agreement was signed with Exmoor National Park Authority (ENPA). This set a target of August 2022 for the s73 application to be determined. Regrettably this initiative failed owing to the cumulative effects of Covid, staff shortages and procrastination by ENPA over the validity of the procedure.

After much professionally guided discussion and preparation, the s73 planning applications were submitted in May 2022. ENPA accepted and registered these, giving no indication that they were in any way inappropriate.

During the consultation process a legal challenge brought by the objectors concluded that it would be illegal to use s73 because the proposed changes (construction and opening in stages) would be a material difference from the applications submitted and subsequently approved in 2018. The Trust obtained an independent legal opinion which supported use of s73 and so amended s73 proposals were submitted to ENPA on 20th December 2022.

Unfortunately, the revised proposals were not put to public consultation by the Planning Authority until 2nd February 2023 and ENPA remains of the opinion that the proposed changes to the application represent a material difference from the applications submitted and approved in 2018. This means that it is highly unlikely that the planning authority will be able to complete its statutory processes before the original planning application expires on 7th March 2023 and this will invalidate the s73 applications.

It is possible that a delegated decision could be made in the remaining time frame, but there is a high risk of refusal.

The Trustees have therefore unanimously agreed to withdraw the s73 planning applications following professional advice from our lawyers and planning agent. This is to avoid a refusal on the project planning record that could impede future planning applications. Alternative strategies to extend the railway will be carefully considered over the coming weeks. When this is complete a consultation exercise with the membership will be undertaken.

The extensive technical work undertaken to support the s73 applications and to discharge pre-commencement planning conditions from the original planning approvals is not wasted and remains invested in the project. This is because it will be reused in any new planning applications to ENPA.

The 'Return to Parracombe Fund' will now be suspended and all funds raised so far will be ring-fenced for future extension of the railway.

This outcome is bitterly disappointing for everyone - particularly those who volunteer in running and maintaining the railway, members who support us, staff and directors of the CIC and Trustees who have put in thousands of hours over the past 5-10 years. This also brings an unwelcome delay to the positive impact the extended railway will bring to the local economy. However, the planning consent granted by North Devon Council for the section of Phase IIa between Blackmoor Gate and Wistlandpound is secure and unaffected by this announcement. Work commenced on this section in 2019 with the reconstruction of Bridges 54 and 55.

A huge amount has been achieved over the past 43 years by the Trust and former organisations. Despite all the challenges, the Trustees are fully committed to extending the railway and are confident the Lynton & Barnstaple Railway will succeed in this.

## Questions and Answers:

- 1. Does the Trust have any recourse due to bureaucratic delay on behalf of the Authority and Statutory bodies? – NO**
- 2. Does the Planning Authority have discretionary power to extend the expiry date of a planning application to accommodate bureaucratic overrun? – NO**
- 3. If the application is refused can the Trust Appeal? – YES,** but that would likely take more than 18 months and the outcome is far from certain. If upheld, the Trust would be in a strong position for an easy approval of a new planning application, but if the appeal were dismissed, that verdict may make future planning applications very difficult.
- 4. Why was there no action to remove the Grampian Conditions sooner after they were applied in 2018? -** The Planning Authority applied the Grampian Conditions after carefully listening to objectors and promoters of the scheme. Without those conditions the planning applications would not have been approved. The overriding concern was that the project might be started without guarantee of completion.  
Over time the financial climate has changed, the Trust has acquired more land, and funds have been accumulated such that a staged construction and opening strategy could be robustly demonstrated to seek a variation to the Grampian Conditions.
- 5. Can we start construction without a valid planning consent? - NO.** This would be illegal resulting in years of legal action and costs. All Trustees/Directors would be acting illegally.
- 6. What is the best route forward for the Trust? –** Withdraw the s73, and carefully consider an alternative strategy to construct and open Phase IIa in stages.
- 7. Why has the TWAO application not been submitted? –** A report was provided in the L&BR Magazine Winter 2021/22 (No. 126).  
In summary, the railway does not need a TWAO to extend and operate. This is a very expensive and complex process which must not be commenced prematurely. Fundamental requirements for a successful outcome are ownership of a very substantial proportion of the land required, a very robust and convincing statement of funding arrangements and an implementable planning permission. A TWAO will be submitted when those requirements can be met.
- 8. Does Exmoor National Park Authority still support the rebuilding of the Lynton & Barnstaple Railway? -** Yes, and this has been confirmed in the process of this Application. The reinstatement of the railway is still included in the Exmoor National Park Local Plan.

## The L&BR Trustees

John Barton	Chris Duffell	Martin Swainson
Ian Cowling	Geoff Hunt	Peter Snashall
Paul Curson	Peter Miles	Charles Summers

## **L & B website**

The L & B website has been rebuilt and is now in full operation. Enhanced functionality including more news from the L&B is just one aspect of this upgrade. This new site has been professionally provided at considerably less cost than the previous version.

More news and information will continue to arrive on the website which is already a clear benefit to the Railway. Please note that no news items will be added to the old website. This will however be maintained as an archive.

## **Rowley Moor Farm**

A planning application was made some two years (or more) ago to convert the Stables at Rowley Moor Farm to a dwelling. This was granted last year. Part of the requirements included formation of an improved access road with vision splays to give safe access to the farm site.

This also enables safe access and improved use of the two barns that the Trust owns and currently uses as stores. It is also the case that the access road happens to be the upper end of the road to the future loco works, sheds and carriage sheds at Blackmoor.

The Trustees agreed to commence work on the access in late February to enable work to be carried out before the bird nesting season as about 140 metres of Devon bank along the A39 need to be moved over. The highway works will take only about nine weeks and will be well on by the time you read this. This is a major benefit to the farm facilities and will also allow the conversion works to proceed with a completion in summer 2023.

## **Membership**

At the end of 2022 our Membership subscriptions totalled over 2460, comprising 3050 individual members. Of these 830 were Life members. For those of you who pay by Direct Debit your subscription will be collected on 1st April 2023.

If you renew annually but not by Direct Debit, a membership renewal form is enclosed with this Newsletter. You can renew on-line at our web-site and pay by Paypal or Credit/Debit card or send a cheque to Woody Bay made out to "Lynton & Barnstaple Railway". More than half our annual subscriptions are now collected by Direct Debit and we would encourage you to renew by using the Direct Debit page of the renewal form and send this to Woody Bay.

Since our subscription rates changed this year there is a SPECIAL OFFER for those who sign up to start paying by Direct Debit: two further years' subscription at the current rates – a saving of up to £14 for a Family membership.

Please consider renewing by Direct Debit as this simplifies our administration considerably in terms of e-mail and letter reminders.. You may also wish to consider renewing as a Life Member and so avoid the need to renew each year.

We maintain a list of those who do not wish to receive Draw tickets each year. If you received Draw tickets and prefer not to, you can let us know by e-mailing [membership@lynton-rail.co.uk](mailto:membership@lynton-rail.co.uk).

*Ian Cowling*  
Membership Secretary

## **News from the Midweek Gangs – February 2023**

There has been a wide range of activity since the end of last year. Members of the Thursday Gang have worked with a representative from the Devon Wildlife Trust to plant trees in the woodland at Woody Bay and spent some while on management of hedgerows and trees. Their work on replacing sleepers has been augmented by the efforts of the Working Weekend volunteers at the end of January but is now paused pending the arrival of a further supply of the new composite variety.

At the start of the year a small band was dispatched to Washford on the West Somerset Railway where the Somerset and Dorset Railway Trust have been based in order to collect some surplus equipment from them while they continued clearing the site. Metal cupboards, various spanners and welding equipment were among the items kindly offered and we made off with them gleefully.

Since then the Tuesday Gang indoor members have been painting benches and then transferred their attentions to the refurbishment of the old tea room space ready for its incorporation into the shop. That hasn't stopped them though – last seen they were moving through the shop and ticket office area to tackle the secondhand bookshop space. (We are suspicious that this job is taking some time to complete...) Other Tuesday volunteers have been painting railings, creating anti-climb boards to bolt to the signal ladders, and tidying up the workshop pit, including painting the beams bright yellow to discourage head-banging. Working weekend volunteers had already made a good start in the pit with the painting and by erecting a barrier along the Welsh side of the beams to prevent staff falling off the locos while they were working on them.

The latest Tuesday activity was some magnificent ballasting just on the upside of Bridge 67, using one of the hopper wagons.

The Paintshop Boys are continuing with the refurbishment of Coach 7, and discovering that some of the woodwork has deteriorated considerably in the last two or three years. Consequently this job is taking much longer than had been hoped.

The Signal & Telegraph (S&T) team of three has been focussing on the need to get the Annett's lock working properly at Killington Lane. By the end of last season it had become extremely difficult to extract the key after putting the points back, meaning that the train could not be permitted to depart - not an ideal situation when trying to abide by a timetable. However, the application of sundry tools and willingness on the part of some to remove the old lock, coupled with the patience and insight of Malcolm K for installing a refurbished version had this sorted out effectively in a few days.

As always we will be delighted to welcome new faces even if you can only come occasionally. Skills are a bonus but willingness to muck in is what we really need.

*Tim Woods*

February 2023

## **Carriage Workshop – The current position**

### **Van 23**

Parts in store awaiting underframe and bogies.

### **Carriage No 9**

Timber from Ipswich Baptist Church has been reclaimed and transported to the workshops by members. It has been denailed, machined and cleaned up to provide the roof, floors, 3rd Class seats and the internal walls between the compartments.

The curved roof beams are being laminated using our newly built clamps. We are refurbishing one original end; this will be used together with a newly-built one. By reusing the 150-year-old reclaimed timber we have saved a lot of money and from the environmental point of view this will be our "greenest" carriage yet! (Although it will still be finished in L&B red and white.)

We now need about £10,000 for Iroko hardwood to reconstruct the sides.

Other items obtained include leather door straps, castings of roof furniture, door grab handles etc. These all need fettling, drilling and painting.

As the weather improves you may fancy visiting the workshop to give us a hand. Or you may have some old boxes of brass screws hiding in your shed. We are always grateful for any help offered, so contact David Ely, Steve Arthurs or me if you would like to arrange a visit.

If you live too far away you can always donate towards the project either a single sum or a monthly donation via Martin Swainson. As a well-known supermarket says: "Every little helps!" Sheila Ely who supported Tony Ely and also attended the workshop herself to help with the carriages project, we will all miss.

*Charles Summers.*

Trustee (Historic Carriages).

## **Support from Devon Wildlife Trust**

As mentioned in the last Newsletter, planting of native tree saplings and hedging around part of the perimeter of the overflow car park at Woody Bay has now taken place.

Devon Wildlife Trust (DWT) gave a full grant under their North Devon Natural Solutions scheme for the cost of all the plants, arranged their purchase and transported them to Woody Bay. Planting took place with the help of our own volunteers.

Thanks are due to DWT for this grant, and particularly to their conservation officer Izzy Moser for her direct involvement in the scheme.

Whilst the L & B's principal interest is in running and restoring our iconic railway, there exists a wider responsibility to protect and enhance the natural environment on our land. Such care is one of the factors now considered by potential funders when assessments are made of our suitability for grants. All heritage organisations must show wider responsibility to issues beyond their principal interest if they are to be successful in securing funds; straightforward heritage is no longer sufficient on its own.

*Paul Curson*

Environment & Conservation Trustee, Chair of the Funding Group

### **The Halt, Parracombe**

The bungalow at Parracombe - 'The Halt' - has been successfully re-let as of February.

The property has been kept dry over the winter, tidied up and re-decorated prior to the new tenants moving in.

Michael Grimoldby is to be thanked for organising the negotiations

Of course the Trust benefits from this additional income stream.

### **Chelfham**

For a while negotiations and legal arrangements have been ongoing to transfer some of the hillside below Chelfham station and the Bratton Fleming road below. This has now been completed and all that remains is to erect a fence between the Distant Point land and that now owned by the L&BR CIC.

Many thanks to the Distant Point Partnership for their generosity.

### **Dates for the Diary**

#### **Working Weekends**

24th 25th & 26th March 2023

## **Let the Rail Link BUS take the strain**

Visitors to the L&BR at Woody Bay station are reminded that the hourly Monday to Saturday (and twice on Sunday) Barnstaple to Lynton & Lynmouth Rail Link bus services 310 / 309 which serve Woody Bay station, all now also serve Barnstaple Railway Station with good connections with trains from and to Exeter.

## **Winter Prize Draw**

The Winter Prize Draw has been very well supported once again. In addition to the purchase of tickets the donations received have amounted to a very useful total. Those who asked for a receipt for their donation have been sent an acknowledgement and for those who did not request one, please accept our sincere thanks for your support.

The draw will be taking place on the 26th February and in the first instance announced on the website.

## **Tail Lamp**

Thoughts from Charles Summers

As a member of many years from when we thought that 300 members was good going and all we had was a pile of various rails in Clarence's scrapyard at Landkey, we have come a long way already.

I love the fact that 3,000 + members is now the norm, we have rebuilt 1897 carriages and replica steam locomotives and with others own nearly half of the original trackbed. Other lesser railways have not done anything like as much.

We will get to where we want to eventually sooner or later - just keep on plugging away at it!