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For the attention of Ms C Rossiter

25 September 2025

Please reply to:
consult@thegardenstrust.org

Dear Miss C Roissetter,

80685 80686 Modifications to Arlington Dam outlet structure to include installation of a fish and eel pass at Arlington Dam: Arlington Court, Arlington, Barnstaple, Devon, EX31 4LP

Thank you for consulting the Gardens Trust (GT) in its role as Statutory Consultee on the above application which would have a material impact on the significance of the Arlington Court, an historic designed landscape of particular significance which is included by Historic England on the Register of Parks and Gardens (RPG) of Special Historic Interest at Grade II*. The inclusion of this site on the statutory register requires great weight to be given to its conservation (National Planning Policy Framework (NPPF) paragraph 212). We are also grateful for the extra time allowed to enable us to respond to this consultation.

In preparing the following comments we note the very detailed response made by Historic England, dated 16 September and with which we largely concur.

Significance

The RPG was included on the Register in August 1987 (Register entry no. 1000687). In the entry description the presence of the reservoir and dam in the valley bottom are described as the River Yeo, flowing through the parkland, being dammed to form a serpentine lake for Sir John Chichester in 1837. The lake was extended to its present size in 1851, creating a key element in the picturesque landscape thus contributing to the significance of the RPG.

Background

We note that the current application is primarily for the installation of a fish and eel pass at the dam and associated modifications to the lower lake, but this is to attempt to address the increased silting problems which have arisen in the lake, especially over the last 30 years. As you will be aware our colleagues in Devon Garden Trust (DGT), with whom we work very closely, were consulted for pre-application advice by North Devon Council in 2022 (ENQ/0575/2022). They also received a background briefing on the Lake Project and participated in the Statutory Stakeholders' Workshop, both arranged by the National Trust (NT), to address the silting problems and to try and secure a sustainable future for the reservoir. The three main options under consideration were: –

1. Partial dredging
2. Dam modification
3. Dam removal

These are explained in full in Section 13 of the Design and Access Statement and we will not repeat them in full here.

DGT expressed their concerns with options two and three, modification or removal, concluding both would result in substantial harm to the historic designed landscape by permanently, irreversibly and deliberately removing a key component of the historic landscape design and rendering that design intent unintelligible to visitors. They also considered that such substantial harm would adversely

affect the overall significance of the historic designed landscape to such an extent that it would no longer satisfy the criteria for designation at Grade II*.

The consultations over 2022-24 resulted in the production of the of 'Adapt and Enhance' strategy by the NT and the NT's identification of dam modification, (option 2), as its preferred option, the subject of the current application.

Proposals and Impact

The proposals include lowering the level of the water in the lake by 1-2m by modification of the outlet wall. A new fish pass to enable migration of fish, including eels, would be constructed in the modified wall. The historic carriageway crossing the dam would not be affected by these works and would be retained. Limited silt removal would be undertaken to the east of the dam and the lake subsequently managed as a river channel, the River Yeo, rather than as an open body of water. The construction works to the dam itself are likely to result in less than substantial harm to the significance of the RPG, although the GT accepts these will be at the lower end of the scale and likely to bed-in and reduce over time. We do however welcome the retention of the historic carriageway and understand that this regime will have beneficial effects for the SSSI upstream. In addition, the increased movement of fish will have ecological benefits to the wider area. In this undoubtedly complex site, natural environment considerations should not be being prioritised over the historic environment however.

Our concerns remain with the wider aspects of this proposal which will ultimately result in the permanent loss of Arlington Lake as an open body of water and a major feature in the designed landscape. We concur with our colleagues in Devon Gardens Trust that this will result in substantial harm to the significance of the Grade II* landscape. This in turn could result in the downgrading of the RPG, or even its removal from the register. The significance is also recognised in the Nicholas Pearson Heritage Statement. *'The lake, its built fabric, circulation routes, sequestered woodland and parkland setting, natural habitats, specimen trees, character and views are all key components of the nationally important and outstanding Registered Park and Garden. A complex and intricate sequence of views has been identified and plotted, most of which are already heavily compromised by tree and shrub growth and the silted-up condition of the lake (appendix 2). The permanent loss of all of these key features would be a substantial loss to the designated heritage values of the property as a whole.'*

The 'Adapt and Enhance' strategy includes landscape proposals to improve the setting around the new river channel (formerly lake) including tree and shrub clearance, re-opening historic views, tree planting, seating and improved access, referred to in the application as the *Arlington Lake Reimagined Project*. Whilst we welcome these as benefits, we consider them insufficient to mitigate against the loss of the lake and the resulting harm to the RPG. Further, we note there is currently no funding available to implement these improvements.

Undoubtedly conditions further upstream in the higher catchment area of the River Yeo, beyond the boundary of Arlington Court and therefore outside NT control, (particularly increased rainfall and current farming practices), have contributed to the situation now faced with the lake. However, the GT considers that problems with silting have been known for several decades and could have been addressed through more appropriate management at an earlier stage to prevent the situation now being faced.

Policy

As the application stands the GT considers that it does not meet the requirements of NPPF paragraphs 212 to 214: –

212 - Great weight should be given to the asset's conservation of designated heritage assets: a fundamental component of this heritage asset is to be lost, a loss of significance that is sufficient to cause substantial harm and risk the de-designation of the whole site.

213 - Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification: the justification for the harm in this case has not been adequately

demonstrated. Further, substantial harm to Grade II* registered parks and gardens should be wholly exceptional.

214 - The proposed development would lead to substantial harm to Arlington Court RPG through the loss of Arlington Lake. Such harm should result in the refusal of consent unless it is shown to be necessary to achieve substantial public benefits that outweigh that harm or loss (neither the necessity nor the public benefits have been demonstrated), or the various tests set out in the NPPF are satisfied (again, not demonstrated in the application). The mitigation proposals outlined appear inadequate to off-set this level of harm and are currently unfunded.

Conclusion

We appreciate this is a very complex situation with many of the contributory factors outside the control of the National Trust. We also accept that much work has been undertaken by the NT to find a solution to the problems. However, we consider the loss of Arlington Lake and the harm resulting to the RPG has not been fully justified in this application. We are further concerned that if the loss of the lake, if permitted, may set a dangerous precedent for the future management of lakes in historic landscapes.

Yours sincerely,

Alison Allighan BSc (Hons) MSc CMLI
Conservation Officer

cc Devon Gardens Trust