

**Minutes of the Fremington Parish Council Meeting held on
Monday, 2nd December at 7.00pm in
The Beechfield Centre, Beechfield Road, Fremington.**

Present: Cllr S Kingdom (Chairman)
Cllrs C McCormack-Hole (Vice Chairman), S Adams, J Bell, F Biederman, J Cann, I Capon, M Scott, E Stevenson, B Sherborne, I Crawford, ~~C Connell~~.
Mrs Kate Graddock, Parish Clerk
2 members of the public.

1912/01 **Apologies**
Apologies for absence, as recorded on the attendance sheet, were received from Cllr Hockin (Indisposed), Groves and Rennles.

1912/02 **Declarations of interest**
70826. Cllr Cann as a member North Devon Council

1912/03 **Chairman's Announcements**
The Chairman made the following announcements:

- The Office will close at 1.00pm on Wednesday, 18th December 2019 and reopen at 9.00am on Monday, 6th January 2020.
- There will be a Finance Meeting on Wednesday, 4th December at 9.00am
- There will be an Extra Ordinary Full Council Meeting on Wednesday, 11th December at 7.00pm.
- The Sale of the Offices has fallen through, and the Clerk is currently looking at auction dates and will update the finance committee shortly.
- Malicious Communication – She has received a letter that was dated August and put into the Parish Hall post. She has struggled to get advice from DALC and is still waiting for advice.

1912/04 **Public participation**
No members of the public wished to speak.

1912/05 **North Devon Council – Waste Services**
Members welcomed Mr Ray Jones, Neighbourhood Officer for North Devon Council to the meeting. He explained that he was one of the two Environmental Wardens for North Devon Council. North Devon Council decided to step in to provide the dog waste collection service due to the previous contractor having trouble with waste disposal and ultimately withdrawing the service.

***Cllr C Connell entered at 7.04pm. ***

He reported that there were some difficulties at the start with locations, pick ups and staffing, but this has settled down now. He explained that he was looking to upskill those staff to deal with other matters such as dog fouling and littering and hopes to look at providing them with the powers to tackle these issues.

He further explained that there is a need to review the way in which North Devon Council deal with dog waste. There are 105 dog bins that belong to North Devon Council and over 200 bins that belong to Town and Parish Councils. He felt a full and proper view of the service delivery is needed and could be requested through District Councillors, as at present some town and parish councils do not pay for all of the bins within their individual locations.

Cllr Kingdom – There were issues with overflowing dog waste bins at the start, has this been resolved?

R Jones - We still have a persistent problem with overflowing bins at times, it could be needing extra collections due to population of housing, staff have missed dog waste bins at the start and hopefully moved past issues. All parish councils will shortly receive correspondence on when dog waste bins are to be collected. We need to identify dog waste bins that are genuinely overflowing due to mis-use or popularity. We would prefer to place two dog waste bins to tackle that issue and will not charge for the additional dog waste bin in the same location.

Cllr Kingdom – Can you place dog waste in black bins?

R Jones - You can use litter bins and your own domestic waste bins to place dog waste, but you cannot place your dog waste in another person's domestic bin. We encourage people to take photographs of the overflowing bin as it immediately times and dates the problem.

*** Cllr F Biederman in at 7.17pm. ***

Cllr Scott asked why we don't have any dog waste bins in the Army Camp development?

Cllr Kingdom replied that the Council had previously discussed this and decided not to place any dog waste bins in estates.

Cllr Capon explained that he reported an issue to Customer Services and was told it was Fremington Parish Council. R Jones replied that he would investigate this issue and report back to him.

Cllr Scott – Why do North Devon Council not have dog waste bins in our area? Cllr Biederman – The District Council tend to place dog waste bins in locations that are used by the wider population.

Cllr Biederman – Last month a dog waste bin has been moved at Fremington Quay and concerns are that the smell going into the Café.

R Jones – Unsure why it's been moved but will investigate the reasons why and report back.

Cllr Cann reported that the first bin on the path near Tews Lane that takes you to Sainsburys has some issues with regular overflowing.

R Jones – We have had cameras set up there, people do use it for domestic waste. It is an offence for placing dog waste on the ground or next to the bin, as it is classed as litter. You can follow the North Devon Council Wardens @ndcwardens for all the up to date information. We try to educate and inform the public of offences and information.

He further mentioned that the best eyes and ears are the dog walkers in the areas and that anyone can report dog fouling. You can contact the Customer Services department at North Devon Council to report it and if possible, with a picture of the dog waste.

1912/06

County and District Reports**Cllr Cann – North Devon Council**

- **Fire Safety** - Cllrs have had a presentation from the Community Fire Officer on how we can refer the community on fire and safety issues in their home.
 - Cllr Scott informed members that she had spoken to the Officer at the Doctors Surgery who would like to work with the Council to put on an event at The Beechfield Centre or give a presentation to the Council. Cllr McCormack-Hole reiterated the point that the organisation is a great service for the community.

Cllr Mackie - North Devon Council

- **Refuse Collection** – There is now an assisted collection for those with mobility issues.
- **Town Centre Consultation** – Running from 5th December until 31st January. Online Questionnaire as the Council is shortlisted for the High Street Fund. In order to get the Business Case to win funding, they need people to give ideas and show a large number of consultations. You can view this on the North Devon Council website. There are also events at the Pannier Market.

Cllr Biederman - Devon County Council

- **Community Speed Watch idea** – Roadside speed device – you can set the device to whatever speed you would require. It would hopefully encourage people to slow down. A response from DCC and Police today has said they do not support this idea but Cllr Biederman. The device records the data and provides a report. Cllr Biederman reported that he would like to fund 1 of these for each ward.
- **Pannier Market** – Worked hard to provide some great events and decorations.
- **North Devon Council** – Shortlisted for two national awards with rough sleeping.
- **Alderman** – Des Brailey has been awarded an Alderman.
- **Parish Forum** – Tuesday, 3rd December at Brynsworthy. The Forum will be specifically on Planning.

1912/07

Police

Members were circulated the crime figures provided by PC Robinson. Members were still concerned regarding the content of the reports.

The Clerk gave a report on the sexual offences that were listed on the previous report.

The Clerk updated members on the situation with The Beechfield Centre and the issues with anti-social behaviour.

RESOLVED: Report be received and noted

- 1912/08 **Minutes**
Page 84 – should read flooding not funding.
RESOLVED: That the Minutes of the Meeting held on Monday, 11th November 2019 be approved and signed by the Chairman as a correct record.
- 1912/09 **Committee Minutes** (NC)
Members were reported that the Committee meetings will be referred to the Extra Ordinary Council Meeting being held on Wednesday, 11th December 2019.
- 1912/10 **Climate Change Working Party Remit**
Members were circulated a revised Climate Change Working Party Remit as submitted by the Climate Change Working Party.
RESOLVED: That the revised Remit be approved and accepted. (NC)
- 1912/11 **Budget/Precept 2020/21**
Members were reported that the draft budgets are being submitted to the Finance and Personnel Committee on Wednesday 4th December 2019 and will be finalised for a recommendation at the Extra Ordinary meeting on Wednesday, 11th December 2019.
- 1912/12 **Grant Applications 2020/21**
Members were reported that the Grant Applications for 2020/21 are being submitted to the Finance and Personnel Committee on Wednesday 4th December 2019 and will be finalised for a recommendation at the Extra Ordinary meeting on Wednesday, 11th December 2019.
- 1912/13 **Policy for Pre-Planning Application Meetings with Developers**
Members were circulated a draft Policy, prior to the meeting.
Cllr Capon said there was a previous motion to write to North Devon Council regarding the traffic congestion and wellbeing of our community. We are just consultees and have little input into the system. We have declared a Climate Emergency and planted over 100 trees and should be refusing all large major development. Cllr Capon proposed an amendment to the Policy to refuse all major scale developments until the traffic congestion and infrastructure has been addressed.

Cllr Biederman stated that ultimately if there isn't something in Planning Policy, it can be difficult to refuse applications. We need to ensure we have a good Neighbourhood Plan and should be looking at each individual planning application on its own merit.

Cllr C McCormack-Hole reported that If we do not have presentations, we aren't in position to inform residents and we can have an input. We wouldn't be able too if developers aren't able to present. We represent people and we should be engaging for them.

There was a discussion with regards to what items go onto the Agenda. Cllr Kingdom reminded members that it is the Clerks Agenda and she will weigh up whether items are placed on within.

Cllr Capon withdrew his amendment.

Cllr F Biederman reiterated the reasons again as to why the Allenstyle developer was asked to attend and it was extremely important to the community to ensure matters get addressed. There are long standing issues that residents are unhappy about.

Cllr Bell expressed his concern regarding the proposal at Yelland and that we should be continuing with the refusal for the proposed application. Cllr M Scott replied that the Council need to look at the Yelland application again and take on own merits. Views that were expressed may not be the views of the current Council as many members are new and also, from her understanding there maybe changes to the application which need to be looked at.

RESOLVED: That subject to 1.1 'to seek the views' being taken out, and 1.2 added to say "The Council will not express any views at pre-application stage and 3.7 'The developer may not speak at a Council or Committee meeting unless they are invited to address the meeting by the Council or do so during public consultation, the Policy be accepted (Appendix 1).

(NC)

*** Cllr Biederman out at 8.45pm. ***

1912/14

Street Naming and Numbering. LGA 1972

Members were circulated a request for the Street Name and Numbering of a new development at Roundswell. The Developer/Analyst for North Devon Council requested that the Council considered 1-4 Harvest Close. Members agreed that this was suitable for the location and its background and it was

RESOLVED: That the Name and Numbering be accepted.

(NC)

*** Cllr Biederman returned at 8.47pm. ***

1912/15

Cemetery – New Bench

Members were circulated information on a request for a bench at Fremington Cemetery.

RESOLVED: That the bench be approved.

(9.1abs)

1912/16

Devon County Council – Planning Application

Devon County Council, the determining Authority, asked for comments from this Parish Council on the following planning application:

Country Matter Planning Application

Ref: BGX/DCC/4154/2019

Proposal: Variation of condition 1 and removal of condition 2 of planning permission DCC/4106/2019

(<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4106/2019>) for variation of condition 5 of planning permission DCC/3951/2017

(<http://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3951/2017>) for Waste Transfer Station including a waste transfer hall, single storey weighbridge office and welfare facilities building, hardstand including staff parking and external weighbridge, internal access road, new access from the existing highway, drainage, lightening and landscaping

Location: Brynsworthy Transfer Station, Roundswell, Barnstaple, Devon

Cllr Biederman raised concerns regarding increased traffic movements up the Hill.

RESOLVED: Recommend approval subject to it being in line with the original traffic movements and weight limits already granted, and those limits not being exceeded.

(NC)

*** Cllr Capon out at 8.55pm. ***

1912/17 **North Devon Council – Planning Applications**

The following application was taken together:

70585 Proposal: Listed building consent for rebuilding of previous dilapidated chimney & Repairs to damaged gable

Location: The Old Cottage, Beards Road, Fremington, Barnstaple

Applicant/Agent: Mr A Ranson

70701 Proposal: Rebuilding of previous dilapidated chimney & repair to damaged gable

Location: The Old Cottage, Beards Road, Fremington, Barnstaple

Applicant/Agent: Mr A Ranson

RESOLVED: Recommend approval subject to appropriate design.

(NC)

70730 Proposal: Erection of building for B1,B2 and B8 use with access, yard, parking, fencing drainage & landscaping

Location: Site to West of Golden Coast, Fishleigh Road, Roundswell, Barnstaple

Applicant/Agent: Mr P Young

RESOLVED: Recommend approval subject to their being no adverse impact on the wider landscape.

(NC)

*** Cllr Capon in at 8.58pm. ***

70733 Proposal: Variation of conditions 2 changes to site area and 19 changes to biodiversity proposals attached to planning permission 50265 (outline application for up to 37 dwellings together with associated amended access (amended description & drawing)

Location: Land to rear of 33-35, Yelland Road, Fremington, Barnstaple

Applicant/Agent: Bunnyhomes

RESOLVED: The original concerns from the Council still stand, and the Council note concerns regarding sewage capacity and its impact on the properties and highway on Yelland Road, which we request are investigated.

(NC)

70747 Proposal: Variation of condition 2 (approved drawings) attached to Planning Permission 62076 (extension to an existing industrial building for B8 storage and distribution area) to allow for raising of roof

Location: Global House, Yelland Quay, West Yelland, Barnstaple

Applicant/Agent: Mr M Potter

RESOLVED: Recommend approval subject to no adverse impact on surrounding area and in keeping with properties in the area.

(NC)

70761 Proposal: Erection of dwelling

Location: Ellerslie House Lane to Pine Lodge, Bickington, Barnstaple

Applicant/Agent: Mr M Patel

RESOLVED: Recommend refusal as no clarification on the continued access and maintenance of the Public Right of Way and concerns about spoiling the views and setting on the Estuary which are of public importance. We also request that Ashford Parish Council are consulted as a neighbouring Parish.

(NC)

70769 Proposal: Erection of annex

Location: Rookabear Cottage, Lydacott, Barnstaple

Applicant/Agent: Mr & Mrs McKenna

RESOLVED: That the Clerk contact Cllr Biederman and Cllr Mackie to establish further information on the application and the application is deferred until the meeting on 11th December 2019.

(NC)

70826 Proposal: Application for consent for works to trees covered by a tree preservation order in respect of crown lifting of 2 Beech (T1 & T4), Ash (T5), 1 Linel (T6), 1 Horse Chestnut (T7) and 1 group of various species (T8) and crown thinning of 1 Horse Chestnut (T7)

Location: Trees on open space adjacent to 2 Lower Cross Road, Bickington, Barnstaple

Applicant/Agent: Mr A Moulton, North Devon Council, Brynsworthy, Environment Centre, Roundswell, Barnstaple

RESOLVED: Recommend Approval subject to good tree management.

(NC)

1912/18

North Devon Council – Planning Decisions

North Devon Council, the determining Authority, **APPROVED** the following applications with conditions as filed:

70239 Proposal: Erection of conservatory

Location: 4 Taw View, Fremington, Barnstaple

Applicant/Agent: Mr W Glover

RESOLVED: That the information be received and noted.

(NC)

1912/19

Councillor Questions

- Cllr Adams - Police Crime Map – Would like a link to the map for councillor as you can identify crimes more closely.
- Cllr Bell - Lagoon View – Possibility of Zebra crossing in the area to help less abled/sighted residents. Cllr Biederman will take on board this issue.
- Cllr Biederman – This Friday is the Community Light Switch on event on the Village Green. Starts at 6.00pm and finishes at 7.30pm. The Poppies are becoming well known and are a great asset for the community. Beat the Fox is being held on Boxing Day.
- Cllr Crawford – Save Our Hospital Services has organised a Hustings at the Rugby Club on Thursday, 5th December 2019.
- Cllr M Scott reported that there had been an accident at the Village Green. The Clerk replied that she was aware and dealing with the matter.

The Chairman wished everyone a Merry Christmas and a Happy New Year.

Meeting ended at 9.32pm.

Signed  Dated 11.12.19



Draft Policy for Pre-Planning Application Meetings with Developers

| | | |
|---------------------------------------|------------|-----------------|
| Adopted 2 nd December 2019 | K Graddock | Min No: 1912/13 |
| | | |
| | | |

Appendix 1

A handwritten signature or set of initials, possibly 'JK', written in black ink.

1 BACKGROUND

The term pre-application discussions include any discussions which take place before a decision is taken on an application.

- 1.1 Fremington Parish Council (the 'Council') acknowledge that developers may wish to present proposals at different planning application stages to the Council and that pre-application discussions play an important role in major developments. The Council welcomes the desire of developers to consult both the Council and the local community more widely. However, the Council is also aware of the importance of public perception in planning and the critical need to avoid any appearance that the Council is conducting secretive negotiations or, colluding with developers. In order to avoid improper lobbying by a developer or creating a perception that the Council have a predetermined position about a proposed development and will follow the policy guidance notes below.
- 1.2 The Council will not express any views at pre-application stage.

2 SCOPE

- 2.1 This document applies to all Councillors, Committees, Employees of the Council, contractual third parties and agents of the Council who work and act on behalf of the Council.
- 2.2 This document applies to all developers, landowners, their employees and agents that act on their behalf.

3 PROCEDURE

- 3.1 The developer must provide information about the proposed development affecting the parish in writing.
- 3.2 If the developer considers that information provided to the Parish Council is sensitive, this will not require the council to treat it as confidential. The developer must identify information that they want to be confidential and explain the reasons in writing. If the developer has a legitimate expectation for confidentiality about the proposed development, the Council will keep a written record of the confidential and nonconfidential issues.
- 3.3 Information held by the Parish Council about a proposed development is subject to disclosure under the Data Protection and Information legislation.
- 3.4 Communications (including informal and formal meetings) between the developer and the Council (or with individual councillors and staff) about a pre-planning application development will not bind the council to making a particular decision. Any views expressed are, at best, provisional because not all of the relevant information will be available to the Council and formal consultations will not have taken place.
- 3.5 Informal meetings and telephone conversations between a developer and individual councillors or staff will be documented in writing and are subject to disclosure under the Data Protection and Information legislation. Council staff may or will arrange and attend meetings with councillors and send a follow-up in writing.

- 3.6 Official meetings of the Council and its committees are open to the public (Section 1(1) Public Bodies (Admission to Meetings) Act 1960) and developers may attend.
- 3.7 The developer may not speak at a Council or committee meeting unless they are invited to address the meeting by the Council or do so during public participation. The developer may regard information about the proposed development as either confidential or "sensitive" and therefore not suitable for discussion at a meeting open to the public. However, Councillors at the Council or committee meeting will decide if there are grounds to exclude the public from the meeting when the proposed development is being discussed and considered. The Council may do this if the matter being considered at the meeting would prejudice the public interest due to its confidentiality or for other special reasons (Section 1(2) Public Bodies (Admissions to meetings) Act 1960).
- 3.8 The minutes of the Council and committee meetings which record the decisions made at them are available to all on the Parish Council Website or on application from the Council Clerk/Office/Officer.
- 3.9 The Council may invite developers to attend an assembly of the Parish meeting, which is also open to the public (Section 1(1) Public Bodies (Admission to Meetings) Act 1960), to present or discuss their proposals for a proposed development affecting the Parish.
- 3.10 It is an offence under section 1 of the Bribery Act 2010 for a developer or their agent to promise or give a financial or other advantage to the Parish council with the expectation of an improper consideration of a planning application. If the developer is an organisation, such as a charity or company, the council may request sight of the developer's anti-bribery policy.
- 3.11 Councillors must be aware of their obligations under the Council's Code of Conduct. Individual Councillors must not enter into informal discussions of possible future applications with a developer; to do so may lead to a complaint for a potential breach of the code.
- 3.12 If it is considered that a site meeting is needed with the developer then individual Councillors are strongly advised to attend with other agencies (i.e highways, officers from the Local Planning Authority) and/or the Clerk and not on their own.

4 THE NATIONAL PLANNING POLICY FRAMEWORK

In so far as the Council's policy applies, it has been confirmed that a developer must, under s. 42 of the Planning Act 2008 (the 2008 Act), consult with a local authority (which by virtue of s. 43 does not include a parish council) if the land to be developed is in the local authority's area before the submission of a planning application. S. 42 of the 2008 Act also provides that before the submission of a planning application, a developer must consult with the persons listed in s. 44. These are persons whom the developer, after 'making diligent inquiry', knows to be the owner, lessee, tenant (whatever the tenancy period) or occupier of the land and a person who (a) is interested in the land, or (b) has power (i) to sell and convey the land, or (ii) to release the land. The persons caught by s.44 of the 2008 Act may include a parish council.

The National Planning Policy Framework encourages developers to liaise with the local planning authority (and others but with no specific reference to parish councils) before the submission of a planning application.

Below is an extract from the National Planning Policy Framework:

'Pre-application engagement and front loading': (NPPF:13:2019)
Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, proactive approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible. The right information is crucial to good decision-making, particularly where formal assessments are required.

A developer may also want to consult with a parish council if the proposed development relates to the parish council's development or submission of proposals for a neighbourhood development plan or neighbourhood development order.

The Neighbourhood Planning (General) Regulations 2012 require a parish council to publicise its proposals for a neighbourhood development plan or a

neighbourhood development order with its local community and to consult with certain bodies to ascertain their views on the proposals of the parish council before these are submitted to the planning authority.

In the periods when such proposals are being developed and before such proposals are submitted to the local planning authority, it is anticipated that developers in the private or public sector may wish to disclose or discuss a proposed development so that this may be accounted for in the proposals for a neighbourhood development plan or neighbourhood development order to be submitted by the parish council.

Section 25 of the Localism 2011 Act (the 2011 Act) restricts the impact of the acts of, or verbal or written statements or views expressed by councillors prior to a decision that might suggest pre-determination. s. 25(2) of the 2011 Act provides that:

A decision-maker (i.e. a councillor) is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—

- (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
- (b) the matter was relevant to the decision.