

**Minutes of the Extra Ordinary Fremington Parish Council Meeting  
held on Monday, 27<sup>th</sup> January 2020 at 7.00pm in The Parish Hall, Fremington.**

**Present:** Cllr S Kingdom (Chairman)  
Cllrs C McCormack Hole (Vice Chairman), S Adams, J Bell, F Biederman, I Capon, J Cann, C Connell, I Crawford, K Groves, B Hockin, M Scott and B Sherborne.  
Also in attendance: Mrs K Graddock (Acting Parish Clerk), Mrs L Steer (Administration Officer) and Miss N Wuttke-Keary (Apprentice Administration Assistant) and 95 members of the public.

200125 **Apologies**  
Apologies were received from Cllr A Rennles and L Stevenson.

200126 **Declarations of Interest**  
Cllr J Bell declared a Personal & Pecuniary interest in the Application 60823.

\*\*\* Cllr Groves entered the meeting at 7.01pm. \*\*\*

200127 **Chairman's Announcements**  
The Chairman read out a statement outlining the proceedings and guidelines of the meeting.

200128 **Public Participation**  
District Councillor H Walker stated that she would be recording the meeting.

200129 **Minutes**  
Cllr Cann clarified that the Safe Sleep programme started in January and that it was the tree routes at the Sainsburys Roundabout, not Halfords.  
Cllr Biederman clarified the financial position of DCC on his report.  
**RESOLVED:** Following the revisions above, that the minutes are approved and signed as a correct record by the Chairman.

(NC)

200130 **North Devon Council – Planning Application**  
**60823** Hybrid Planning Application a) full application for the access, scale and layout of site including raising of the ground levels, site access works and highway infrastructure to site, together with purpose built bat building. (b) outline application for 250 dwellings (use class c3). Space of up to 3000sqm employment (use class b1). Space of up to 250sqm (a1) gross floorspace; space of up to 2000sqm (a3). Gross floorspace; space of up to 250sqm (d1). Gross floorspace; space of up to 250sqm (d2). (c) all the associated infrastructure including removal of any contamination, roads, footpaths, cycleway, drainage (including attenuation works), flood defence works, landscaping and appearance, public open space, utilities and vehicle parking and including demolition of buildings (amended scheme and supporting documents).  
Location: Former Yelland Power Station, Lower Yelland, Yelland, Barnstaple, EX31 3EZ  
Applicant: Yelland Quay Ltd, Barton Yards, Abbotsham, Bideford, EX39 5AP  
Agent: Mr M Steart, Woodward Smith Chartered Architects, Tuly Street, Barnstaple, EX31 1DH



**a) To receive information/presentation from Mr Keith Bines, Case Officer, North Devon Council on the application as listed above.**

Members welcomed Mr Bines to the meeting, who stipulated that he has formed no opinion on the application and is at the meeting for information purposes and to relay to members the changes in the application from the previous submission.

The following was raised:

- The latest submission is proposed to address some of the previous concerns following a Design Review Panel work
- The application is now for 250 dwellings with 10% affordable. The previous submission was Policy compliant however, the applicant has submitted a viability assessment to support this position.
- The hotel is no longer proposed
- A change from 1000m<sup>2</sup> to 3000m<sup>2</sup> B1 use
- A change from 2000m<sup>2</sup> to 250m<sup>2</sup> A1 use
- A3 use remains unchanged
- Now includes 250m<sup>2</sup> D1
- Now includes 250m<sup>2</sup> D2
- Updated Ecology Report and Environmental Impact Assessment
- South West Coastal Path – Applicant seeks to provide timber wall to address Natural England’s concerns
- An in depth survey has been provided on high water roosts which also notes that unconstrained dogs also cause an issue. A fence is proposed along the footpath to limit impact on high water roosts
- To help manage site – applicant is proposing a warden for 2 days per week for maintenance and educational work. If approved, a contribution may be sought for provisions for Braunton Sack
- Reports on traffic movements conclude that the site would have no severe impact on highways
- To date, 549 representations had been received by North Devon Council relating to the site, which will be considered, however, Mr Bines reiterated that if representations do highlight specific matters that they are looked into by officers
- The site is allocated for development and in the Local Plan

**RESOLVED:** That Standing Orders be suspended to allow questions from the public.

(NC)

A member of the public felt that it would be a disaster for all people living in the area.

A member of the public stated that there is no mention of homes for life and was disappointed to see only 10% affordable housing. They felt that they would like to see 100% of the dwellings being homes for life. Mr Keith Bines reiterated that the applicant was seeking to be granted permission in principle but if granted, there would be a reserved matters application, which would then be the point at which that level of detail would be discussed.

A member of the public stated that the coalition Government changed Planning law for presumption in favour of sustainable development and that officers and members of the Planning Committee are just abiding by it. They



stated that the infrastructure is clogged and there is severe traffic problems. They felt the main attraction for the area is tourism and that the pressure of development both sides of the water is ruining the area, especially since Council's have declared climate emergencies. They felt this level of development is not sustainable.

A member of the public asked whether there is a demand for restaurants, especially as the ones in Barnstaple at Anchor Wood Bank were not needed? They also raised concerns over the litter being placed in the river.

A member of the public asked whether there have been any changes into the flood defences in this plan? Mr Bines replied that it seeks to address sea level rises and flooding and that on the western edge of the site, there would be a rock armour element on foreshore.

The Environment Agency seeks 10m back but the scheme is seeking 60m back. The member of the public disagreed with the figures within the application and felt that it did not relay a true picture of the area.

Mr Bines informed that the Environment Agency work to AODs and that the Council will consult with them to see if defences are appropriate. They will assess whether the site will be safe from flood risk. The member of the public still felt that the flood calculations were incorrect and that the application does not address the current climate rises.

A member of the public felt that building along the water edge with 4-5 storey houses, fences etc would be detrimental and that an ecologist came to site and the site was of special interest due to the species and wildlife it attracts. They asked what the Council is doing to save what it's got – a natural beauty of Devon. They felt the Council has to make a stand.

A member of the public felt that the reinstatement of the Railway to alleviate the traffic congestion in the area is needed.

A member of the public raised a question as to why this luxury development in the middle of the river could go ahead, as the site would not be being discussed at all if in the 1950's, the site had not been covered by a power station. They pointed out Strategic policy 09 which charges the planning authority to protect the unspoilt character of North Devon. The site has been going quietly back to nature – someone is proposing to be rebuilt it with no benefits to North Devon. Mr Bines pointed out Section 38 (6) of the Planning Act 2004 which states ' If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Act the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

A member of the public raised a point that the application no longer seeks a hotel but there are 6 storey buildings. The buildings show a 6-storey dwelling – it could be residential or commercial. Mr Bines replied that the heights have been used to inform the impact assessment and overall appearance of the site and that the application is regarding the principles not the detail. The plan refers to a design plan, should the outline planning be granted.

A question was raised on the Environmental Impact Assessment and how does a 6-storey building work with flooding levels. Mr Bines replied that the



site would be raised to address flood issues. Site at moment is between 5-6 AOD and proposed a maximum of 8.6 AOD with additional height on top of that.

A member of the public stated that just because the site is in the Local Plan, doesn't mean houses. This site could blend into landscape. We can offer a unique environment.

A representative from Instow Parish Council stated that Instow have a deep interest as some of the development is within the Parish. They stated that they have been led to believe by NDC that affordable housing should be 30%. The applicants state that the development would cost £54million to produce. The suggestion is that the Government has funds available, up to £400m to clean up contaminated land. The contamination report says that the asbestos report is likely to be true. Concrete is known to degrade over the years. The planners should be asking the developers to set up a bond of up to £50m against asbestos claims.

A member of the public asked whether the Council knew of any other housing developments that have 700 tonnes of asbestos buried and in an area of outstanding beauty and hoped that both Fremington Parish Council and North Devon Council will refuse this scheme. They stated that the Save our Estuary Group have a Plan B and that there will be massive opposition and they have already had a former planning inspectorate say they will help us to fight this application.

A member of the public felt that we are approaching this the wrong way. We need a change in Government Policy - we need to be able to say no. This is our area and you are not going to ruin it for us. They stated that they call on North Devon Council to be a hero for once and say no.

District Councillor H Walker reminded people that you can put your questions to North Devon Council members via a question request at the Council Offices.

A question was raised as to whether the application just covers brownfield or greenfield site as well? Mr Bines said that he can confirm that the application is on the Ashbed site. He pointed to 10.199 in The Local Plan which states that "The site also forms part of the developed coast and estuary, although the adjacent former ashbeds that have been capped form part of the undeveloped coast and estuary (Policy ST09: Coast and Estuary Strategy). The former ash beds have an important biodiversity value whilst contributing to the wider green infrastructure along the Taw estuary. As such, new buildings will be minimised here with the open landscape character safeguarded for provision of additional green infrastructure. The jetty and wharf remain and are safeguarded through the Devon Minerals Plan to facilitate continued import and export of minerals. Redevelopment must have regard to the value of the existing concrete plant and the recycled aggregates facility in terms of the Devon Minerals Plan and the Devon Waste Plan respectively. Any development on this site must be in accordance with adopted policies within these documents (or successor documents) to retain future potential as a strategic quay facility for water-borne transport of goods. Flexible space accessible from the wharf will be provided as associated operational land".



A question was asked as to whether there will there be a dedicated right-hand turn as they felt the road is not wide enough. Mr Bines stated that highways will need to test that. The person responded that given the state of the B3233 that is highly unlikely.

A member of the public showed a map showing where the site will be seen from.

It was noted that a local traffic survey was done, however, the detailed record show inaccuracy of timings. A number of parishioners commented on the traffic congestion and highway infrastructure in relation to the potential development.

A member of the public stated that it's not a problem with the provision of buildings for hospitals and medical professionals but it's a problem being able to attract them. We do not have the appropriate employment for the partners etc. and cannot see anything in the development that will address that.

Cllr J Cann asked what else could be put in there as an alternative? Mr Bines replied that the local authority is bound to look at the application in front of them.

Cllr Biederman thanked Mr Bines for attending and asking the following: Who has checked the contamination of the site and is that independent? Mr Bines replied that the applicant employs consultants. The information and data are then given to NDC Environmental Health who will investigate whether it is likely to be correct findings. Have we got any commitment from businesses? And do we get this verified? Mr Bines replied that there is no information in the application that indicates any potential end user. If you grant planning permission for employment, you wouldn't normally have any idea of who the end user is. Cllr Biederman asked whether that would that be a material planning consideration? Mr Bines replied that he felt it would be very unusual.

Cllr Crawford raised the fact that the housing figures exceeded the requirement and that the Council has to have a 5-year housing supply. He stated that assuming that NDC turn application down, what flexibility do NDC have to achieve the figures. Mr Bines replied that if it is refused, then that would put both authorities in a difficult situation to show its 5-year housing supply, however, North Devon Council could seek to change the plan.

Cllr Capon informed attendees that the flood data used was purchased from Environment Agency using 2008 figures and asked whether NDC goes to the Environment Agency to ascertain if the data provided by the applicant is valid.

Concerns were raised on the Contamination Assessment Report and whether there were a small number of bore holes. Mr Keith Bines reported that there has been a significant number of bore holes. Cllr Capon raised concerns regarding the asbestos and condition of the concrete, near to the Quay, which may be porous. He further asked whether North Devon Planners will be seeking Environmental Planners to look at this application.

Cllr Bell stated that there has been 51 soil samples taken and 21 contained asbestos. He further stated that he has seen a map showing that the whole area will be under water by 2050.



**RESOLVED:** That Standing Orders be reinstated.

(NC)

\*\*\* J Bell declared a pecuniary interest and left the meeting at 8.15pm.

**b) To comment on the application as listed above.**

F Biederman reiterated to attendees the importance of attending any North Devon Council Planning Committee meetings too, as ultimately it's NDC who make the decision, however, he reiterated again that anything he has said tonight is on the information in front of him this evening and that he would be at any subsequent meetings with an open mind and vote accordingly.

Cllr Kingdom asked members whether they wished to think about potential impact on community assets/facilities etc if North Devon Council were mindful to approve the application. Some members felt that it was too early to discuss this as consultation responses from highway/education/ parks/health authority are still being sought. After much discussion it was

**RESOLVED:** That the Application is recommended for refusal for the following reasons:

1. The proposal will have an unacceptable impact on the estuary and an area of international importance which is at the heart of the Biosphere and a SSSI along with an RSPB reserve.
2. The visual impact will be intrusive on the estuary and other communities such as Heanton, Northam and Appledore and create an urban intrusion.
3. The Parish Council is concerned at the disturbance of the asbestos on site that would be required.
4. There is already significant development taking place within the Parish and no remedial works or proposals to deal with the highway issues and congestion within the area.
5. The infrastructure in the area is not adequate and there are not sufficient school and medical/health provision to cope with the increase this development would create.
6. The application is not policy compliant as it is not offering 30% affordable homes.
7. This development would not be compliant with the Councils current Climate Emergency declaration in particular the flooding projections.
8. The Council has concerns over the encroachment of green space.
9. There are questions over the accuracy of the environmental data used and that the Council requests North Devon Council to ensure that the most up to date information is used in the application.
10. There are concerns over the impact on migrating birds
11. There are grave concerns over the safety of crossing the road for pedestrians.

In addition, that the Clerk writes to Seline Saxby MP and Geoffrey Cox MP to ask the minister to consider a change in Government Policy to ensure that potential developments do not ruin the local area.

(NC)

Meeting ended at 8.41pm.

Signed...  ... Dated 3.2.20 .....