

**Minutes of the Fremington Parish Council Meeting
Held on Monday 5th October 2026 at 7pm at the Beechfield Centre,
Beechfield Road, Fremington**

Present: Cllrs S Kingdom (Chairman), F Biederman (from Minute No. 2610/03), J Bridgeman, D Dixon, D Harris, S Haywood, C McCormack-Hole, A Rennles, B Sherborne, E Smlatic and N Tamlin

Mrs V Woodhouse, Executive Officer

11 Members of the public

2610/01

Apologies

Cllrs S Adams, J Cann, O Kelly and H Walker.
Cllr J Mackie, North Devon Council.

2610/02

Declarations of Interest

None.

2610/03

Chairman's Announcements

None.

Cllr Biederman entered the meeting.

2610/04

Public Participation Period

Several members of the public spoke against planning application 82214. The Chairman of the Lagoon View Community Orchard introduced a younger member of the parish who spoke about her love for the community and the Community Orchard, it was noted that she had written to the King who has displayed her letter in the Palace.

Concerns were raised with reference to the safety and compliance of the proposed access to the site and the fact it would pass through an existing community orchard and public open space, a brief overview of the history of the open space and the fact the developer had not transferred to the local authority as required was highlighted. It was noted that this public open space was an important and well-used asset to the community and should be protected; the proposed replacement site was considered inadequate and would not replace the current facility. The application has not recognised the land as public open space or as an Asset of Community Value. The proposed community building was also not big enough for the community it would serve. It was further felt that alternative access arrangements could be made which would not pass through the public open space, but these have not been explored.

Concerns were also raised about the safety of pedestrians in relation to the proposed access, the loss of several trees covered by Tree Preservation Orders, habitat and biodiversity including that of protected native species and a lack of play provision on the new development.

Members of the public felt that the loss of the open public space and the proposed access and road layouts were both contrary to local and national policies. The public open space is a loved community asset that cannot be replaced and should be protected. Members were made aware that the lease on the land expires at the end of October and the developer's solicitor has informed the Community Orchard to remove everything from site this includes memorial benches.

Going forward a member of the public stated that the Council has an obligation to ensure community open space is appropriate and secured via transfer and the Council should be seeking a Section 106 agreement to clearly establish the delivery and handover arrangements for any new community spaces prior to planning decisions.

2610/05

Minutes

It was **resolved**, with no votes to the contrary, to approve and sign the minutes of the meeting held on Monday 7th September 2026 as a correct record.

2610/06

Committees

To receive, and adopt the minutes, and note the decisions therein, of the following Committee meetings:

- Extraordinary Assets & Facilities held on 2nd September 2026
It was **resolved**, with no votes to the contrary, to adopt the minutes and note the decisions therein of the minutes of the Extraordinary Assets & Facilities Committee Meeting held on 2nd September 2026.
- Finance & Personnel Committee held on 22nd September 2026
It was **resolved**, with no votes to the contrary, to adopt the minutes and note the decisions therein of the minutes of the Finance and Personnel Committee Meeting held on 22nd September 2026.
- Planning Committee held on 24th September 2026
It was **resolved**, with no votes to the contrary, to adopt the minutes and note the decisions therein of the minutes of the Planning Committee Meeting held on 24th September 2026.
- Environment and Community held on 24th September 2026
It was **resolved**, with no votes to the contrary, to adopt the minutes and note the decisions therein of the minutes of the Finance and Personnel Committee Meeting held on 24th September 2026.

2610/07

County and District Councillors' Reports

Cllr Biederman – Fremington Ward

Cllr Biederman reported that District Cllrs had met with the resident of Allenstyle following Devonshire Homes announcement of going into administration, the roads and drainage have not yet been completed and questions have been submitted. The developer was supposed to resurface the road at the end of the development and Cllr Biederman is hoping that DCC will undertake the work.

The Local Government Review has been paused, and Devon appears to be a problem area with no easy solution, NDC would like to see joint working across tiers of local government to put proposals back to government and the question of being refund is still unanswered.

Cllr McCorkmack-Hole thanked Cllr Biederman for his work in relation to the road closure for the gas works and his piece on the radio.

2610/08

North Devon Council - Planning Applications

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

82214 Proposal: Residential development comprising of 160 dwellings with the formation of access, a community building, the creation of a public open space and associated infrastructure

Location: Land adjacent to lagoon View, Yelland, Barnstaple

Applicant/Agent: Pearce Construction (Barnstaple) Ltd

It was **resolved**, with no votes to the contrary, to recommend REFUSAL.

The Parish Council would ask that North Devon Council carefully considers the fact that planning application 82214 represents a departure from the adopted North Devon and Torridge Local Plan 2011–2031.

The Parish Council considers that this is particularly important given the proposed access arrangements and their consequences for an established community open-space asset.

The Parish Council therefore recommends that North Devon Council does not determine the application until it has:

- clearly identified the provisions of the adopted Local Plan from which the proposal departs;
- clearly identified the material considerations relied upon to justify that departure;
- satisfied itself that those material considerations are sufficient to outweigh the relevant policies of the adopted development plan;
- fully considered the implications of the proposed loss and alteration of the existing community open space;
- properly considered the availability and feasibility of alternative access arrangements; and
- obtained a thorough review from Devon County Council Highways of the technical evidence relating to the proposed junction, including vehicle movements, swept paths, visibility and the likely operation of the junction in practice.

Development Plan Departure

The Parish Council considers that the fact that the proposal is a departure from the adopted Local Plan should be given significant weight in the decision-making process. Section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes that planning applications should be

determined in accordance with the development plan unless material considerations indicate otherwise.

The Parish Council therefore considers that the applicant should not simply be required to demonstrate that the proposal can be made acceptable in isolation.

The applicant should also demonstrate why a departure from the adopted development plan is justified and necessary in this particular case.

This is especially relevant where the proposed access would result in the loss or substantial alteration of an established community open-space asset and where alternative access possibilities have been identified.

The Parish Council therefore asks North Devon Council to give clear consideration to whether the benefits relied upon in support of the development genuinely outweigh the harm and policy conflict arising from the proposed departure.

Highway Evidence and Devon County Council Review.

The Parish Council recognises that Devon County Council is the highway authority and that technical highway matters should be assessed by appropriately qualified professionals.

However, the Parish Council considers that the concerns raised regarding the proposed junction warrant a thorough review of the evidence by Devon County Council Highways before North Devon Council reaches its final planning decision.

The Parish Council specifically requests that Devon County Council reviews:

- the complete junction geometry;
- all significant vehicle movements;
- the swept paths for those movements;
- the northbound left turn into the proposed access;
- southbound movements into Lagoon View;
- the ability of larger delivery, service, refuse and emergency vehicles to negotiate the junction;
- visibility requirements;
- traffic survey data and its representativeness;
- seasonal and future traffic conditions; and
- whether the proposed access represents a safe and appropriately designed solution in accordance with the adopted Local Plan.

The Parish Council requests that the outcome of this review is provided to North Devon Council and considered before the application is determined.

Alternative Access

The Parish Council further considers that the existence of potential alternative access arrangements is a material consideration.

The Council's own published information identifies potential alternative access possibilities involving the B3233 and Welch's Lane.

The Parish Council is not asserting that these alternatives are necessarily deliverable or technically preferable. However, where the proposed access would require the loss or substantial alteration of an established community open space, the Parish Council considers it reasonable and necessary for the applicant to demonstrate why alternative access arrangements cannot reasonably be achieved.

The Parish Council therefore recommends that the applicant provides a clear evidence-based comparison of the available access options before the application is determined.

Community Open Space

The Parish Council considers the proposed impact upon the existing community open space to be a significant material consideration.

The Lagoon View Community Orchard has been recognised by North Devon Council as an Asset of Community Value, reflecting its established community use and importance.

The Parish Council therefore considers that the loss or alteration of this community asset requires particularly careful consideration against the relevant adopted Local Plan policies and national planning policy.

The Parish Council considers that the applicant should demonstrate why the loss is necessary, what alternatives have been considered, and why the proposed access arrangement represents the most appropriate solution.

Overall Recommendation

For the reasons set out above, Fremington Parish Council recommends that North Devon Council does not determine application 82214 until the outstanding matters have been properly investigated and documented.

In particular, the Parish Council asks North Devon Council to obtain and consider:

1. A thorough review by Devon County Council Highways of all relevant highway and transport evidence;
2. Complete swept-path and visibility evidence for the proposed junction;
3. A clear assessment of the alternative access possibilities;
4. A full assessment of the proposed loss and alteration of the existing community open space; and
5. A clear explanation of why the departure from the adopted Local Plan is justified by material considerations in this particular case.

The Parish Council considers that, until these matters have been satisfactorily addressed, there is insufficient evidence to demonstrate that the proposed development and access arrangement represents an appropriate departure from the adopted development plan.

2610/09

Section 106 Priorities

Members reviewed the Section 106 Priorities list which was circulated ahead of the meeting no alterations were made.

Cllr Rennles reported that the recent press release in relation to securing S106 funds for drainage works on the pitches at Tews Lane was incorrect, it was noted that the Parish Council had secured funding for drainage of surface water.

No alterations were made to the priority list.

2610/10

Annual Governance and Accountability Return 2025 - 2026

It was **resolved**, with no votes to the contrary, to note completion and External Auditor's Report.

2610/11

Councillors Questions

Cllr Sherborne asked if something could be done at Woodville to deal with the dangerous traffic. It was agreed to write to the County Cllr for the area and ask them to meet with Cllr Sherborne.

Cllr Rennles reported that the flashing lights for school children have been turned on since August.

Cllr Biederman asked if new nets could be installed at the MUGA on Riverside it was noted that the nets had been damaged and were now not on site.

There being no further business the meeting closed at 7.58pm.

Signed

Dated