

28th August 2023

Planning Department
North Devon District Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG
ATTN Mr M Brown

Dear Sir

RE: 71940 - Land at Velator Bridge Braunton Devon - Removal of Condition 8i (Flood Defence)
attached to planning permission 57649

We wish to raise our concerns with you in respect of the approved development of land at Velator Bridge.

The developer has started clearance of the site with a digger that is scraping the vegetation and soil into heaps along the banks of the rivers Knowl Water and Caen.

This approach takes no regard of the geotechnical report that evidenced the site has elevated levels of arsenic, nickel and benzoaprene – all of which were stated as posing a significant risk to human health. Nor does the recommended additional contamination leachate testing of controlled waters to confirm no significant risk of significant harm appear to have been done.

As a direct consequence of this activity one of the outflow pipes in the Knowl Water bank has been blocked. The attached photos (photos 1 and 2 below) show this as well as the poor state of the stone wall – a further condition that the developer was to address.

We would remind you of the Environment Agency's response dated 16th September 2020 in respect of Application 71940:

“ We do accept the details that show that the proposed use of piled raft slab foundation will not increase loading on the river bank. However, the river banks still need to be ‘repaired’ to a good state as part of the site works. There are river walls that need some attention towards the eastern end of the site, i.e. near the DCC surface water outfall.

Please note that the land raising, houses, access route, river bank repairs and outfall steps will still need a flood risk activity permit from us, which will also cover the method of construction.

Public Concerns

We note that some comments by the public have raised concerns about the principle of houses in the floodplain and the ‘removal’ of the flood defence. We advise that we have to deal with this as an approved and extant planning permission (work has in part, already been carried out). We can therefore only consider the change to the flood defence condition. If this was a brand new planning application, we would be treating it in line with the current guidance and impacts of climate change.”

Permission to develop this site was originally granted in 2007 (Application 40693) and only 11 of the 21 conditions attached have been discharged between 2015 and 2017. Given the LPA's approval of this site they have a duty to ensure that development is undertaken in accordance with

all of the conditions attached to the planning permission and that the development of the site does not increase flood risk of adjoining properties particularly as the area was and is designated Zone 3 by the Environment Agency. Equally development must not pollute the rivers as this will harm the ecology of the area.

The approach to site clearance being taken gives no confidence in the developer's approach to protecting wildlife that uses the waterways such as bats, otters, dippers and kingfishers.

We ask that this activity is stopped with immediate effect, investigated, and where appropriate enforcement action taken against this developer.

Love Braunton

Cc NDC Enforcement
Braunton Parish Council
Sarah Squire Planning Advisor Environment Agency
Clare Guthrie Lead Adviser Natural England
Cllr Simon Maddox
Cllr Liz Spear

Photo 1 – blocked outflow pipe



Photo 2 – The two outflow points above Knowl Water in wall in state of poor repair



Photo 3 – example of vegetation and spoil being heaped on banks



Shots of site – is this a safe site?

