

**Modbury Parish Council Meeting**  
**Tuesday 7<sup>th</sup> December 2021, Pavilion, QEII Recreation Field at 7pm**  
**MINUTES**

**Present:** Cllrs Watts (PW), (Chair), West (RW) Vice-Chair, Harvey (JH), Jones (OJ), Keel (BK), Price (BP), Turner, (AT), Walker (AW), Woodcock (JW)  
Also present: Taylor (BT) (SHDC)

**6 Members of the public were in attendance**

**2021 144 Apologies and reasons for absence were received from Cllrs Rosevear (Personal) and Keohane (Work commitments)**

**Devon County Council**

**Cllr Gilbert (DCC) had given his apologies and the clerk read from his report (See app. 4)**

**SHDC District Councillor's Report (BT)**

- 1) Reported back on the high level meeting held to resolve the outstanding implementation of S106 agreements in relation to landscaping at Palm Cross.

**Main issues:**

The Palm Cross Development was built in two phases with separate S106 agreements for each phase. The Phase One S106 was more complex than Phase Two and there were multiple breaches by Bloor. Sustained intervention by Colin Whybrow on behalf of MPC resulted in most breaches being rectified by Bloor. There is now an impasse. (See appendix 5 for detailed list of issues)

**Present at the meeting:**

Andy Bates – CEO of SHDC (AB), Drew Powell – Director of Governance SHDC (DP), Patrick Whymer – Head of Development Management (PW), Bernard Taylor – District Councillor (BT), Colin Whybrow – On behalf of Modbury Parish Council (CW) (Apologies from Cllr Keel)

**Outcomes:**

AB accepted the tardiness of responses and actions.

PW will take ownership of this matter on behalf of SHDC

CW will provide SHDC detail and background on the complex background to the SuDS scheme (He has lobbied Devon County (lead on flood relief) for the SuDS scheme not to be signed off until it had performed throughout a winter rainfall season.)

BT also expressed his reservations about the likely effectiveness of the current scheme.

CW advised the landscape issues in Phase One were primarily regarding maintenance (not undertaken for four years) and this could be isolated from Phase Two which is about Bloor not completing the landscaping plan beyond earth moving (subsequently subsiding).

BK highlighted that Colin Whybrow has been pursuing this relentlessly for over 3 years and has continued despite relinquishing his role with the Council. He is the reason this meeting has finally taken place. PW raised a vote of thanks (supported by full council) to Colin Whybrow and BK for their continued work on this.

S106 monies to be released this week.

- 2) There is a site meeting to move forward overdue work on Barracks Wall Friday 10<sup>th</sup> December 2021
- 3) BT will investigate why there have been no black bin collections for 5 weeks at Shearlangstone

## Open Forum:

- A representative from the Salcombe, Kingsbridge and Modbury Chamber of Trade voiced extreme concern at the proposed works by SWW, thanked MPC for responses to date and requested continued pro-active canvassing from MPC considering the damage such a long road closure would do to businesses and the impact on the local community. MPC gave assurances that they will continue to liaise with SWW to ensure, if works are agreed, that the community have input into decisions regarding timing and road diversions. Chamber was advised to canvass the MP.
- A member of the School PTA outlined plans to improve school / community communication and for the creation of a nature retreat / sensory garden working with the community. MPC requested further details and costings for consideration at a future meeting.
- A member of the public presented a document detailing issues with pedestrian safety on Barracks Road and Dark Lane and suggesting possible solutions.

## It was agreed to bring the following agenda item forward:

### 2021 153 Correspondence:

- 2 submitted requests to investigate pedestrian safety on Barracks Road/Dark Lane/Chatwell Lane (to the QE2 field) with the aim of implementing significant and meaningful improvements.
- Correspondence raising concerns about the increase in the risks being taken by parents and children during school opening and closing times along Barracks Road.  
**Although MPC reported that a recent response from DCC regarding the issue did not support work on footways, it was agreed that a working group would be established to work on further solutions and that the school and DCC need to be on board with this from the start.**

### 2021 145 There were no declarations of pecuniary and other interests

### 2021 146 Minutes of Meetings 2<sup>nd</sup> November 2021

**The Council considered the draft Minutes (distributed earlier). Proposed by RW, seconded by BK and all were in favour they be approved as a true and accurate record.**

**Update:** Weedkilling – RW researching purchase of special tool  
SWW proposed works – SWW still working on design that then has to gain financial approval  
Lighting – DCC can't fund new lights but could advise and support installation if MPC wishes to fund.

**It was agreed that MPC request that the MARS Committee consider allocating an amount from the S106 grant funding to help with the issue of lighting. (PW expressed an interest and abstained)**

### 2021 147 Planning

#### 1) The following planning applications were considered:

- a) 1476/21/HHO READVERTISEMENT (Revised plans received) Householder application for replacement of conservatory with extension, replacement porch, and alterations and addition of windows (part retrospective) 8 Benedict Way. Modbury PL21 0TJ  
**Proposed by BK, seconded by RW and all in favour of supporting this application.**
- b) 4008/21/LBC and 4007/21/FUL Listed building consent for conversion of barns to 3 dwellings and holiday unit/ancillary Babland Farm. Modbury PL21 0SB  
Noted that this is a neighbouring parish and Aveton Gifford are supporting this application.

**Proposed by BK, seconded RW and all in favour of no comment.**

- 2) It was agreed that the timing of the invitation from SHDC for parish/town councils to identify potential suitable sites in the parish for the development of affordable housing was immaculate, considering their recent decision not to support MPC's proposal for affordable housing east of Ayleston Park. The invitation was noted and MPC will await further developments.**

**Clerk to request SHDC definition of "affordable housing"**

#### **2021 148 Finance and Human Resources**

- 1. Proposed by RW, seconded by BK and all in favour that the payments as listed in Appendix 1a be approved.**
- 2. The financial statement Appendix 1b was noted**
- 3. It was agreed that the proposal from the school PTA for funding towards a wildlife project at the school be considered at a future meeting when costings have been received.**
- 4. The minutes from the FHR Committee meeting on 30<sup>th</sup> November were received**
  - a) Proposed by RW, seconded by BK and all in favour that the budget recommendation for 2022-2023 (See appendix 3.) be approved.**
  - b) Proposed by BK, seconded by RW and all in favour that the precept demand recommendation for 2022-2023 of £49,350 be approved.**

The Band D parish rate is estimated to be: £63.27  
This is an increase of: £3.01 or 5.00% in comparison to 21/22
- 5. Proposed by BK, seconded by AT and all in favour that, in the event that a national lockdown be announced and no law has been passed to hold legal virtual meetings, the following powers be delegated to the clerk:**
  - the power to make essential decisions required for the running of the council that cannot be deferred (such as salary payments, payments of invoices, closure of any public buildings following government guidance etc) in email or telephone consultation with Chair or Vice-Chair and Chair of Finance of Council wherever possible.
  - the power to make decisions which are not critical but are time dependent (such as planning responses, consultation responses etc). These decisions will be made in email or telephone consultation with Council. The decision made by the clerk will represent the majority view (of those who have responded within 3 working days). Where there is no clear majority, the clerk will not make a decision.
- 6. It was agreed to offer free Christmas parking in Modbury on Saturdays 11<sup>th</sup> and 18<sup>th</sup> December 2021 and compensating SHDC for revenue lost to them. (Cost = £267)**

#### **2021 149 Memorial Hall Play Park**

**The motion to amend the lease for the MHPA playpark to release some land back to the Hall Trustees to sell was considered.**

Concern was expressed that as MPC would be voting on the release of land held in trust for the public who the Council represent, it was vital that the Council was confident proper process had been followed and all MPC's questions had been answered before a vote is taken:

- Has the Charity Commission been consulted and agreed the consultation process. If not, MPC request that this is done in order to support the statement from Nash and Co that the publicity through the Messenger to the community was adequate.
- The valuation provided was substantially out of line with the surveyors own figures for the area of the site contained in his report. On the basis of the figures in the report the land is therefore substantially undervalued £17,500 compared to £52,000. In addition no account is taken of the uplift in the value resulting from the potential granting of Planning permission.
- There is no planning permission in place for the additional land and residential use.

4. The vendor needs to understand the implications of the levels of the land and these need to be fully considered. Assurances need to be given to the Parish Council that appropriate and ongoing actions need to be taken to ensure the safety of individuals using our land.

#### **2021 150            Communications and Engagement**

- 1) The minutes from the Communications Committee meeting on 22 Nov 2021 were received**
- a) The amendment to the Terms of Reference was agreed:**
- Responsible for communication of the Council's policies, actions and activities to the local community via print, online and other media where relevant
  - Manage the Council's website and social media accounts
  - Lead on council events to engage with the wider community of Modbury
- b) The purchase of a hanging outdoor sign to raise the profile of the office was unanimously agreed.**
- c) It was unanimously agreed that a new website be developed in-house using the voluntary services of a Councillor and that, once complete, the clerk be trained to manage it. Thanks were extended to Cllr Jones.**  
No payments would be made for the development of the site or the training of the clerk and on-going fees would be the usual hosting fees for the site
- 2) The new format for the Annual Parish Meeting (a fayre for local groups and organisations to advertise their activities) was agreed. The meeting date was agreed for Tuesday 1<sup>st</sup> March 2022 from 6.00 - 7.30pm preceding the Council meeting which will start 30 minutes later than usual.**  
*(This has now been amended to 6.30 – 7.30 due to room availability.)*

#### **2021 151            Climate and Sustainability**

- a) It was agreed that this was a major issue for the Council and that MPC would establish a starting point for this appearing as a standing item on the agenda. This would be in the form of an event to establish actions. AT will research what other Councils are doing.**
- b) Feedback from Cllr Turner from the recent Local Councillor Climate Emergency Support Network was received.**
- c) It was agreed to send a statement of support to SHDC in response to their proposals for future management of SHDC green spaces**
- d) It was agreed that the public transport network in Modbury needed improvement and as a first move JH would contact the company running the 911 Friday service from Plymouth to Totnes requesting a route diversion into Modbury.**
- e) Council considered the invitation from DCC to local councils to propose 20mph speed limits they would like to see in their parishes and agreed it would propose all of the roads in Modbury with the A379 and Barracks Road being a priority.**

**2021 152        There were no further updates from Committees, Sub-committees and Working Groups**

**2021 153            Correspondence was considered earlier following the open forum debate.**

**2021 154            The Saturday Rota for the next month was agreed**

4 Dec - Cllr Price,

11 Dec - Cllr Watts,

18 Dec - Cllr West,

25<sup>th</sup> Dec and 1<sup>st</sup> Jan office closed,

8<sup>th</sup> Jan - Cllr Harvey

**Next meeting Tuesday 4<sup>th</sup> January 2022**

**The Chair wished everyone a Merry Christmas and the meeting closed at 9.50pm**