

**Modbury Parish Council Meeting**  
**Tuesday 4<sup>th</sup> January 2022, Pavilion, QEII Recreation Field at 7pm**  
**MINUTES**

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

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

**2022 1** There were no apologies for absence.

**Devon Councillor Rufus Gilbert had sent his apologies**

RW has asked RG to chase the repair of the broken street lamp in Church Street as a matter of urgency

**District Councillor's Reports**

- SHDC will be collating and advertising local initiatives for the jubilee celebrations
- Council Tax will be rising by £5
- S106 monies for MARS are awaiting signatures
- There will be another on-site meeting to discuss Barracks Wall at the end of January
- BK asked for an update following the site meeting with SHDC / Bloor and MPC. – Still waiting for a reply from Bloor

**Open Forum:**

A member of the public thanked the Councillors for their work

The issue of safety on Barrack's Road was raised again and the extensive work done previously to provide solutions was summarised. It was agreed that the group who had looked at this before would reconvene (JH to represent MPC), the clerk will contact the school and Parent Federation to invite participation and any proposals will be brought to a future Council meeting.

**2022 2 Declarations of pecuniary and other interests**

RW expressed a personal (neighbours) and not pecuniary interest in planning application 4190/21/FUL – retaining the right to vote.

It was agreed to bring agenda item **2022 5 Memorial Hall Play Park** forward and drop standing orders for input from a MH Trustee.

***To consider the response to questions posed at the December meeting (distributed previously) and consider the motion to amend the lease for the MHPA playpark to release some land back to the Hall Trustees to sell.***

BK gave a brief introduction reminding Council of the further information that had been requested.

Mr Lowe summarised the responses he had provided in an email distributed previously to Councillors:

- a) The Charity Commission has not been consulted as advice had been followed from Nash & Co. that clearly set out what was required for the disposal of charity land and confirmed that the Modbury Messenger would be an appropriate medium for publicising the intended land disposal.
- b) Disagreeing that the land valuation is out of line, and with the method used by the Council to substantiate this.
- c) Confirming that no planning permission is in place for the plot.

- d) Drawing attention to item 8 - Conditions of Sale in the Land Valuation Report which addresses the need for appropriate fencing to be provided for safety purposes and referring to structural surveys provided by the purchaser

Standing orders resumed:

BK responded:

- a) MPC consider it would be preferable for The Trustees to communicate with the Charity Commission but it is the Trustees' decision
- b) MPC considers there is still a lack of clarity with regard to the valuation procedure and outcome but again the decision is for the Trustees
- c) There will need to be a further planning application for this plot which would raise the value
- d) MPC would require an independent surveyor to view the report and there would need to be assurance future maintenance work was not the responsibility of MPC

BP reiterated the importance of ensuring The Charity Commission rules were being followed and requested a site visit to view the actual bit of land pegged out. She questioned the adequacy of an article in the Messenger as a thorough consultation

Standing orders were dropped for Peter Lowe to refer to the document photos of pegged out land. The purchaser queried why MPC was seeking independent surveys. If the land wasn't up for purchase the structural issues would still be there.

Standing orders resumed

It was agreed the photos were not clear

GR reminded Council that it has used the Messenger over the years for consultation purposes.

AT expressed concern that this would set a precedence for the future disposal of public land

RW said that the land was landlocked and only of any value to the purchaser.

Trustees will arrange for the site to be pegged out for information for Councillors.

**Proposed by BK, seconded by GR that MPC agree in principal but with the following conditions:**

- 1) Charity Commission – MPC feels that the MH Trustees would be best advised to consult the Charity Commission. MPC notes, however, that the Trustees feel that the advertisement in the Modbury Messenger serves as adequate consultation.
- 2) Valuation – The rationale for the valuation is, in Council opinion, not clear. But again it is noted that it is being accepted by the Trustees.
- 3) Planning Permission – The land being released does not have planning permission and an application will need to be made. This decision by MPC will not prejudice any consultation on the planning application.
- 4) Safety – There will need to be a full structural report for the whole of the site and advice will need to be provided on the type and position of fencing proposed. MPC will then invite an independent structural engineer to examine and approve any proposals. Legal costs, the cost of the report and all the works together with the on-going maintenance will be born by the purchaser.
- 5) This decision will provide no precedent for future release of public land.

All 5 conditions above will be incorporated into the revised lease arrangements between the MH Trustees and MPC

**7 were in favour, 2 against and 2 abstained.**

### **2022 3 Minutes of Meetings 7<sup>th</sup> December 2021**

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

b) The Appendix II Action Plan had been circulated to councillors prior to the meeting. **The clerk updated on the following matters:**

- Purchase of weed puller machine had been considered at FHR meeting, RW has done further research and it is going to the next FHR meeting.

- The clerk will invite the DCC conservation officer to the Annual Parish Meeting
- SWW proposed works update:

They are still pricing the work and it will go to the SWW finance committee in February - so the earliest they will have further news is end February.

Finance might only be available for some of the work and so detailed planning cannot take place until the finance available is known. Although the work needs doing it might be deferred again if the finance is not there or an emergency jumps in (apparently this has happened twice in the past) but the consideration of the impact of delaying the work also needs to be part of the equation.

The work will definitely not be happening until after the summer and SWW are keen to have community input to the timing and least disruptive method of carrying out the project.

- Work has started on creating a volunteer policy and application form. Clerk to meet with BP and AT to develop it further.

## 2022 4 Planning

### 1) To consider the following planning applications:

- a) 3765/21/HHO Householder application for proposed extension. 8a Tuckers Brook. PL21 OUT

**Proposed by BK, seconded by AT and all in favour of supporting this application.**

- b) 4361/21/TCAT5: Ash - fell due to dieback. The Vicarage. Church Lane. PL21 0QN  
**All in favour of supporting this application**

- c) 4190/21/FUL Retainment of commercial downstairs in addition to making upstairs commercial. Move stairs to utilise access from side passage, create wider stairs to make downstairs and upstairs self-contained. Upstairs to be used as a therapy centre, use of first floor residential only and top attic as store room. 35 Church Street. Modbury

**Proposed by BK, seconded by AT and all in favour of supporting this application**

- d) To consider a response to the Orcheton Woodland Management Plan Stakeholder Consultation

**Proposed by AT, seconded by JW and all in favour of supporting this proposal. AT to respond.**

## 2022 5 Memorial Hall Play Park

Dealt with earlier

## 2022 6 Finance and Human Resources

1. The payments as listed in Appendix 1a were approved
2. The financial statement Appendix 1b was received
3. The impact of the new tax base figures provided by SHDC on the precept was considered.  
**Proposed by GR, seconded by BK and all in favour that the demand agreed at the December meeting be revised to £50,765, retaining the 5% increase giving a Band D parish rate of £63.27 = an increase of £3.01 (in comparison to 2021/22)**

## 2022 7 To consider Councillor representation on The Barracks Road Safety Group

This was covered in the open forum

## 2022 8 Committees, Sub-committees and Working Groups:

- a) **Maintenance Committee.** Still busy filling pot-holes. Two of the bollards on the Palm Cross parking bays have been damaged. Looking for replacement parts rather than replacement bollards.

**2022 9 Marigold Day.**

**It was agreed that MPC would support this event which Colin Whybrow has offered to lead on. (AT will be the MPC representative) It will take place on 23<sup>rd</sup> April 2022.**

**2022 10 The following correspondence was considered :**

- a) Survey issued by SHDC to collect data about the capacity for EV chargers on Town and Parish Council owned sites.

**MARS have submitted a response proposing up to 2 sites in the recreation ground carpark. It was agreed that AT would respond suggesting a site on the parking area of Palm Cross**

- b) Ongoing issue with people blocking access to Burns Lane and the threatening behaviour expressed towards a resident of Burn's Lane.

**GR to pursue DCC with regards to clearer road markings to ensure enforcement could be taken and contact Devon and Cornwall Police regarding their lack of response to the reported threatening behaviour.**

**2022 11 The Saturday Rota to 19<sup>th</sup> March was agreed**

Harvey, John	8th Jan
Jones, Oliver	15th Jan
Keel, Barry	22nd Jan
Keohane, Pete	29th Jan
Price, Barbara	5th Feb
Rosevear, George	12th Feb
Turner, Ann	19th Feb
West, Rob	26th Feb
Watts, Pete	5th March
Walker, Andy	12th March
Woodcock, Jo	19th March

**Meeting closed at 8.45pm.**