

**Modbury Parish Council Extra-ordinary Meeting
Monday 27th March 2023, 2.00 pm
The Pavilion, QEII Recreation Field
MINUTES**

Present Cllrs Pete Watts (PW), (Chair), Rob West (RW) Vice-Chair, Barry Keel (BK), Barbara Price (BP), George Rosevear (GR), Phil Smith (PS), Ann Turner, (AT),
Also present: Cllr Rufus Gilbert (RG)(DCC)

16 members of the public were in attendance

2023 39 Apologies for absence were received from Cllrs Nathanson (sickness), Trigger (previous commitment), Walker (work commitments), and Woodcock (Work commitments)

Open Forum

PW Chairman opened the meeting explaining its purpose – that MPC had deferred considering the application until all the issues and concerns were available and, in particular, those of DCC Highways following their site meeting with the developers on 16th March.

BK Chair of Planning Committee outlined the structure of the meeting:

Where we are now

Comments from members of the public

Comments on planning issues and this application in particular from individual councillors

Final views from members of the public

Chair of Planning to make recommendation

Council to vote

Open Forum

- BK noted that revised information from DCC Highways had been received on the previous Thursday leaving limited time to consider its impact in full. In summary MPC supports DCC's objection on the grounds of access but not DCC's decision that the speed limits on the A379 don't need reducing.
- BK re-iterated Council's view that the green lane must be brought into use and urged all parties to work together to overcome the obstacles of mixed ownership and various restrictions and to make this happen.
- A member of the public referred to The Joint Local Plan and highlighted several areas where the application does not comply with the policies in the plan including links to the neighbouring Palm Cross development.
- There was a discussion on the siting of the bus-stops and the need for a pull-in for the buses but also a question as to whether these would be necessary if the green lane was brought into use
- Baker Estates re-iterated that they are still committed to opening up the green lane and detailed efforts made to date to make this happen.
- Questions were raised regarding the decision to submit an outline application as opposed to a full application and the reasons given for not pursuing the opening of the green lane.
- A member of the public questioned why the lower speed limit had not been applied. Baker Estates had requested this but DCC had refused
- AT highlighted Policy 6 Safe movement and transport in Modbury's Neighbourhood Plan and pointed out that the application did not comply
- It was noted that experience with the most recent development in Modbury was still demonstrating that issues not dealt with at the time of the planning were left for the local community to sort out itself in years to come

2023 40 **There were no declarations of pecuniary and other interests**

2023 41 **Planning**

The following planning application was considered:

1. [0384/23/OPA](#) **0384/23/OPA** READVERTISEMENT (Amended Description) Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Pennpark, Modbury Sx 652 5172.

- RW – Noted that the sticking point with the application was the issue of safe pedestrian access
- BP – Reminded Council that this was only the outline application and there might be further issues once the full application was submitted. (eg. Number of houses, drainage) Noted that whatever the design was to provide safe pedestrian movement some people would always take the shortest route and the speed limit must be lowered.
- GR – noted that there was little point in putting up houses if people were at risk the moment they left their properties. Stated that it is indefensible that DCC will not consider lowering the speed limit. Urged everyone to stop saying things can't happen and start looking at ways they can
- PS observed that if The Developers had taken DCC advice and submitted a full application it would have enabled them to pursue the green lane option
- PW – agreed with previous comments and stated there were too many issues with the outline application as it stood
- BK – Re-iterated that Council were not objecting to the principals of the plan and that there would likely be other issues to be addressed at a later stage. He noted that the revised submissions addressed some of the issues but not all and that, as MPC has stated from the very start of the process, use of the green lane is integral to the development. He proposed that the application was premature.

Standing orders were dropped for further comments from members of the public:

- 20mph speed limit must be included and Barracks Road should be included in this application as the development will add to the existing concerns regarding road safety around the school
- If the lane is not used and left in limbo it will just be used as a dumping ground between the 2 developments
- The green lane should and could be made a Public Right of Way
- The development does not comply with both the Joint Local Plan and Modbury Neighbourhood Plan and on those grounds alone should be rejected.
- The Developers re-iterated that they had intended submitting a full application which would have included the plan to use the green lane. They stated that to do this they had to prove 21 years of use as a right of way. No evidence had been forthcoming from MPC and SHDC had refused right of way through the industrial estate. On pursuing further the use of the lane the obstacles regarding ownership and interests had presented themselves. At this stage the developers decided to submit an outline plan rather than invest considerable sums to submit a full plan only to have it rejected at the first hurdle.
- BP reminded the developers that MPC had requested to see a full application before commenting on or seemingly supporting one aspect of the plan in isolation from the full picture.
- BK added that it would be wrong for MPC to get involved in something that could become part of a legal process
- A member of the public called on DCC and SHDC to sort the whole thing out

Standing Orders were resumed

BK summarised:

- There are significant concerns regarding the application on the part of the council and from members of the public
- There are issues of non-compliance with The Joint Local Plan and Modbury Neighbourhood Plan
- The submission of the plan is premature and it should be withdrawn until the issue of safe pedestrian access is addressed.

BK proposed, seconded by AT and all in favour that MPC object to the plan for the reasons stated above and that a working group comprising BK, AT and BP put together a detailed comment for SHDC for agreement by council at the next full council meeting on 4th April 2023. All in favour.

Meeting closed at 2.54pm