

**Modbury Parish Council Meeting  
Tuesday 24<sup>th</sup> October 2023, 7.00 pm**

**MINUTES**

**Present: Cllrs Barbara Price (BP) (Chair), Bill Cole (BC), Gerry McAllister (GM), Tony Price (TP), Phil Smith (PS), Ann Turner (AT), Sarah Wyatt (SW)**

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

**2023 111 Apologies were received from Cllrs Dave Trigger and Helen Nathanson (both work commitments).**

**Public Forum**

1. Update on the **proposed new housing developments was requested**. The Chair replied that no more had been heard since last reported. **Clerk to chase**
2. A member of the public read a report from a grandmother who is concerned about safety at **school drop off time**. Danger is caused not so much from moving cars but by dangerous actions by parents dropping off children. The same member discussed the history of the speed camera in **Barracks Road** – originally set at 20mph (appropriate for the road) DCC insisted it was changed to 30mph (legal speed limit for the road). Concern that the camera is not properly being used and requested that the data please be extracted, published and used – later agenda item. New signage for speed limits are crucial – **clerk to raise with DCC and also chase up the installation of the double yellow lines**.
3. Question regarding progress with **Church Lane Allotments**. MPC was thanked for their continued efforts to keep them in public ownership – later agenda item.
4. It was noted that the salaried appointment of a **maintenance operative** has been made and questioned whether this conflicted with volunteer efforts. Chair noted it was common practice in many organisations to have paid and voluntary staff working together and that MPC could no longer rely solely on volunteer support to take on the increasing responsibilities of the parish council.
5. **P3 co-ordinator** announced proposed changes in his role for Council consideration. He was thanked for his 23 year's service in that role.
6. Details of the duties of the new **maintenance operative** were requested – PS reported it would be varied according to need at the time and based on 2 days per month.
7. A member of the public asked if there were any questions regarding his **planning application** – Cllrs had no questions - later agenda item.

**Devon Councillor's and District Councillor's Reports**

Apologies from Cllrs Gilbert (DCC) and Taylor (SHDC)

No reports submitted but Cllr Taylor requested that the clerk report that he has locality funding available

**2023 112 Declarations of pecuniary and other interests**

PS expressed a personal interest in 2023 112, Scalders Lane and BP in 2023 115b The Green

**2023 113 Minutes of Meeting 5<sup>th</sup> Sept. 2023**

- a) **Proposed by PS, seconded by SW and all in favour that the minutes be accepted as a true record. (AT abstained)**

**Matters Arising:**

- Air quality monitoring – it was agreed that this be left on hold until after the SWW roadworks
- CCTV camera – no progress to date on talks with the police regarding its adoption

**2023 114 Finance**

- a) **Proposed by PS, seconded by GM and all in agreement that the payments as listed in Appendix 1 be approved.**
  - b) The Reconciliation was noted
  - c) The notice of completion of audit was received and the except for and other matters were noted.
    - *Except for the matters - The AGAR was not accurately completed before submission for review. The figures in Section 2, Boxes 8 of the prior year comparative column*

do not agree to the prior year final signed AGAR and insufficient evidence was provided in explanation when requested.

- Other matters - The smaller authority has not provided an adequate explanation for the variance between the prior and current year values in Box 6 of Section 2.

**Proposed by BP, seconded by PS and all in agreement that special attention will be given to these issues April 2024 in the light of the work that will be taking place to disaggregate MARS accounts from MPC**

- d) **Proposed by AT, seconded by PS and all in agreement that funding towards administrative support for the River Erme Councils (£1,200 per annum split between the six councils) be approved.**

## 2023 115 Planning

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

a) [3131/23/FUL](#) Mr James Francis Proposed new dwelling Development Site At Sx 657 516 Back Street Modbury

The new house is directly behind the Memorial Hall and includes land purchased from the Memorial Hall committee. Concern was expressed regarding:

- the size of the proposed property and overdevelopment of the site.
- Access issues – on the sharp bend of Back Street which is very narrow and used by schoolchildren.
- Drainage issues - that water will be going into the combined sewage/water system on Back Street which is an environmental concern given constraints in the pipes.
- proposed nesting sites being unsuitable ( noted also that development should not happen in the bird nesting season)

**Proposed by AT, seconded by BP – and all in favour of objecting to this application (GM abstained)**

b) [3209/23/HHO](#) Mr And Mrs Brown Householder application for re-roofing of existing rear lean to, replacement rainwater goods, re-decoration of external walls & incorporation of inline slate vents to roof The Green Palm Cross Modbury PL21 0QZ

**Proposed by AT, seconded by PS and all in favour of supporting this application, (BP abstained)**

c) [2906/23/HHO](#) Mr & Mrs Edward & Alison Holt Householder application for windows & roof replacement Roslin Cottage Back Street Modbury PL21 0RF

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

d) [3188/23/FUL](#) and [3189/23/LBC](#) Listed Building Consent for conversion of agricultural stone barns to one dwelling & one holiday let with associated works, landscaping & new outbuilding/garage Land At Sx 655 505 Little Modbury

It was noted that the buildings are very old and dilapidated and that SHDC Heritage Officer considers the works are appropriate. Concern was expressed that the barns are still used and that this will lead to extra barn building encouraging the neglect of barns elsewhere to create redevelopment opportunities

**Proposed by AT, seconded by BC and all in favour of supporting this application subject to the conditions that there should be no consequent application for new barns and that the highway issues are addressed. (GM abstained.)**

### 2. The planning decisions made by SHDC (See Appendix 4) were noted

PS expressed concern and disappointment of the retrospective approval given for works at Butland Farm

### 3. Lead for planning matters.

**Proposed by BP, seconded by TP and all in favour that AT be appointed lead councillor for planning matters**

### 4. Works on the trees and fields adjoining Kennel Lane

BP stated that MPC has investigated this matter extensively in response to concerns raised by members of the public. SHDC have inspected the area and confirmed that the new owners have done nothing against planning regulations on their own land. There is nothing more MPC can do and if individuals have any further concerns they need to take them up directly with SHDC as the planning authority.

### 5. The Devon Housing Commission consultation

AT thanked BP for putting together the response and suggested that we needed to continue communication with DCC and SHDC and not let go of the issues.

**Proposed by TP, seconded by AT and all in favour that this response be submitted to the commission.**

## 2023 116 Highways

### 1. Update from the meeting with DCC Highways to consider the pedestrian crossing on Church Street.

The meeting was to discuss concerns regarding how dangerous the crossing can be and consider ways in which it could be made safer. DCC are costing the production of a feasibility report on different solutions. MPC would consider meeting the cost of this exercise in order to expedite matters as the bureaucratic process to actually do anything takes a very long time. **Clerk to chase DCC.**

**2. To consider the establishment of a [Community Speedwatch](#) initiative in Modbury**

MPC has applied to have a 20mph limit and this was turned down. MPC has joined the 20mph campaign started by Totnes. Agreed that we need to take further action and BP suggested a working group to continue the action.

**Proposed by AT, seconded by PS and all in favour that TP lead a working group to address this issue. It was noted that Localities funding from SHDC might be available for this project**

**3. Responsibility for downloading data from the VAS camera on Barracks Road – this will be dealt with by the 20mph working group.**

**2023 117 Maintenance**

1. The [minutes](#) from the last Committee meeting were received

a) **Proposed by BP, seconded by AT and all in favour of the appointment of the maintenance operative for 2 days a month regular work (£4850 per annum) and for occasional work as needed**

b) **Proposed by PS, seconded by SW and all in favour of the appointment of Callidus Highways consultant to provide a costed feasibility study of highway solutions for priority areas in Modbury - £3877.50 +VAT**

c) **Tree works:**

**Proposed by BP, seconded by SW and all in favour that the urgent (1 month) and priority (6 months) work highlighted in the recent tree survey be done and that, in the light of the urgency of the work, the decision on contractor be delegated to The Chair of Maintenance and Clerk on receipt of 3 quotations.**

It was agreed that the most urgent tree (Beech tree in the Memorial Hall play area) be dealt with immediately – quote £300 (lower of two received) – **clerk to apply for the 5 day exception for emergency tree works.**

**It was noted that work would also take place on the trees overshadowing Tuckers Brook and Pearse Gardens.**

AT reported that MODWAG is liaising with residents of Tuckers Brook regarding The Patch and will be looking at planting in the Spring. PS confirmed that MPC was responsible for grass cutting and maintenance of the picnic table. The railings are the responsibility of SHDC. There are currently no other issues requiring work.

**2023 118 MARS**

**1. It was agreed to progress the work to establish MARS as a Charitable Incorporated Organisation (CIO)**

**- Council to be the sole corporate trustee**

**- Council to appoint a management committee to run the CIO on a daily basis within the guidelines established by the Trustee**

**- MPC to appoint and be responsible for the costs of the continued work of the internal auditor to do the preparation work, the Solicitors to complete the legal aspects of the work and Rialtas to support the work of disaggregating the accounts.**

**2. Proposed by BP, seconded by PS and all in favour that MARS acts as a *de facto* charity as from 1<sup>st</sup> November 2023:**

*A de facto charity is not a legally recognized charity, but it operates as one in practice. It is an organisation that provides charitable services or goods to the public, but it has not registered with the appropriate regulatory body to become a legal charity*

**3. It was agreed that the current Management Committee act on behalf of the Charity but do not hold Trustee responsibilities**

**4. The minutes from the last committee meeting were received**

**5. It was noted that the bonfire and firework event organised by the MARS Committee will take place on Sunday 5<sup>th</sup> November at The Recreation Field.**

**6. It was agreed that MARS issue the Tennis Club with the “Licence to Occupy”**

**2023 119 South West Water**

**Feedback from the meeting held between SWW, DCC, MPC and Modbury Traders.**

The work will take half of the time projected in 2023 and will be less obtrusive as the existing channels can be lined using new technology. All will be revealed and discussed at the public consultation

Wednesday 25<sup>th</sup> October. [Details are online.](#) There will be a rigorous review of road diversion signage. It is a concern that it will still be a combined sewage and waste water system leading to Modbury sewage treatment works, but a different solution was considered impractical in the existing physical environment. MPC are pursuing matters with regard to the capacity and treatment of sewage at the works as that affects discharge into the River Erme.

## **2023 120 Assets**

### **1. Allotments**

**a) Proposed by BP, seconded by SW and all in favour of submitting an expression of interest to purchase the land holding the Church Lane allotments under the Asset of Community Value regulations**

The expression of interest gives MPC six months to agree a price and raise the money to submit a bid for the land

**b) Proposed by BP, seconded by AT and all in favour of accepting the quote of £300 + Vat for the evaluation of the allotment land to inform Council's decision on price**

### **2. Removal of the telephone box on Poundwell Street**

**Proposed by BP, seconded by AT and all in favour of adopting the box as a council asset for the nominal cost of £1.00. Ideas will be sought from the community for its use going forward.**

## **2023 121 Updates from Committees, Sub-committees and Working Groups not dealt with earlier.**

**Sustainability** – no full meeting possible but work continues on the River Erme water quality. MPC has purchased 12 water testing kits for volunteers. MODWAG have planted lots of daffodils and yellow rattle (which improves the soil) in the Church Lane verges and Church Yard. AT is proceeding with proposals for co-operative working with other local councils, SHDC is engaging with this.

**Modbury Town Centre Working Group** – GM has resigned as Chair of the Traders Group and will be focussing on work with this group. Publicity has been arranged to ask for volunteers to engage in community work.

**P3 liaison** – the team has recently tidied paths 1, 2, 6, 13 and Donkey Lane. FP3 (Ayleston Farm to East Leigh) is a concern due to numerous new fences and stiles – there is a proposal from DCC to improve matters.

**Homes for Ukraine** – plaudits have been given to Modbury. We currently we have only one guest who is not currently in need of support

**Litter pickers** – no report

## **2023 122 Correspondence Received:**

### **Copy of communication regarding the hedgerow along Scalders Lane**

MPC were asked to support the request to the hedge owner by writing to him copied to DCC. BC suggested that the SHDC sweeper lorry could be tasked with sweeping Scalders Lane.

**Proposed by BP, seconded by AT and all in favour of supporting this. (PS abstained)**

## **2023 123 The Saturday Rota was agreed:**

28th October	Phil Smith
4th November	Dave Trigger
11th November	Ann Turner
18th November	Sarah Wyatt

**Meeting closed at 9.30pm**