

Appendix 8 – SHDC Response to MPC Letter

Hanna Virta

From: Hanna Virta
Sent: 19 May 2026 14:06
To: Hanna Virta
Subject: Appendix 8

From: Cllr Mark Long <cllr.mark.long@southhams.gov.uk>
Sent: 03 March 2026 10:03
To: Parish Clerk <parishclerk@modburyparishcouncil.gov.uk>; Barbara Price <barbaraprice@modburyparishcouncil.gov.uk>
Cc: Cllr Victor Abbott <cllr.victor.abbott@southhams.gov.uk>; Cllr Georgina Allen <cllr.georgina.allen@southhams.gov.uk>; Cllr Lee Bonham <cllr.lee.bonham@southhams.gov.uk>; Cllr Julie Carson <cllr.julie.carson@southhams.gov.uk>; Cllr Nadine Dommett <cllr.nadine.dommett@southhams.gov.uk>; Cllr Jacqi Hodgson <cllr.jacqi.hodgson@southhams.gov.uk>; Cllr Alison Nix <cllr.alison.nix@southhams.gov.uk>; Cllr Chris Oram <cllr.chris.oram@southhams.gov.uk>; Cllr Guy Pannell <cllr.guy.pannell@southhams.gov.uk>; Cllr Simon Rake <cllr.simon.rake@southhams.gov.uk>; cllr.bernard.taylor@southhams.gov.uk; Democratic Services <democratic.services@swdevon.gov.uk>
Subject: RE: Letter from Modbury Parish Council

Dear Barbara and Bleddyn,

Thank you for your letter dated 11 February 2026, my apologies for the delay in getting back to you.

I am sorry that the Parish Council remain unhappy at the way the decision was made. There is not a great deal more that I can add to what I said in my reply to your earlier letter other than to repeat that I do not agree with you that there were clear procedural shortcomings. I remain comfortable with the proceedings and the integrity of the Committee's decision.

However, regarding what I understand to be the Parish Council's concern, as you will appreciate although the Committee has resolved to grant planning permission, the decision notice cannot be issued until the necessary planning agreement (S106) has been completed. The Council has an on-going obligation to consider any new material considerations that arise between the resolution and the issue of the decision notice. So, if the Parish Council wishes to submit a legal opinion as to why the leading Counsel's opinion submitted by Bloor and indeed, the advice of our own Head of Legal Services is wrong, then we will consider it as part of that on-going duty. Both the opinion and the Head of Legal Services' advice are on the website (<https://southhams.planning-register.co.uk/Planning/Display/4116/24/OPA>).

Turning to your other concerns, many applications are determined without a Devon County Highways Officer being present. In the absence of the officer, the Committee has the officer's representation and is entitled to assume that the officer was familiar with the location (which in the present case he was) and has considered everything that the officer ought to have done to reach the view that they did. In the event, had the officer been present it is unlikely that the kinds of concerns as to safety issues or the likelihood of damage that the Parish Council has put forward would have resulted in the experienced officer changing his view.

As I said in my previous reply, I do not recognise the conduct of officers as you have characterised it. Had officers behaved in the manner you describe, I would undoubtedly have said something in the meeting. The fact that I did not intervene, indicates that I did not feel officers had over-stepped their position as advisors or ceased to be professional.

Finally, on Thursday you will have received a briefing note sent to all Town and Parish Council Clerks to update on the impact to Neighbourhood Plans on the specific changes on housing numbers in the NPPF, also

notification of the virtual briefing for all Town and Parish Councils to be held on Thursday 12th March at 4pm.
The online briefing to explain the updated position and discuss the issues raised.

Kind regards
Mark

Chairman Development Management Committee

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South Hams
District Council

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