

## **HARBERTON PARISH COUNCIL**

Minutes of the ordinary meeting of Harberton Parish Council at 7.30pm on Tuesday 9<sup>th</sup> June 2020. This was a virtual meeting (video and telephone conference call) held on the digital platform Zoom.

### **In attendance**

#### **Harbertonford Councillors**

Cllr Beamish: Present by audio link  
Cllr Bowley: Present by video link  
Cllr Janes: Apologies  
Cllr McDonnell: Present by phone  
Cllr Waite: Apologies

#### **Harberton Councillors**

Cllr Camp: Present by video link  
Cllr Davidson: Present by video link  
Cllr Hockings: Apologies  
Cllr Phillips: Present by video link  
Cllr Williams: Present by video link

#### **Others**

D.Cllr McKay: Present by video link  
C.Cllr Hodgson: Present by video link  
Clerk Ms Radford: Present by video link  
Members of the Public: 1

The Chair welcomed everyone to the meeting and began by reminding cllrs and attendees of the correct protocol that only Parish Councillors can participate in the meeting, with members of the public and invited attendees observing. County and District Councillors were asked to comment on any items on the agenda in their allotted space.

### **Public Session**

- i) The applicant of planning application 1232/20/FUL attended the meeting to introduce the planning application and answer questions. It was suggested that with the Parish Council's support the applicant can secure local jobs, helping a local business come through the recession.
- ii) Cllrs had questions about the potential contamination of the water supply to neighbours. There was discussion detailing the number of springs, details of supply and drainage with the comment that the spring water will be used for drinking purposes at Eden Farm and it is in the applicant's interests to ensure quality of supply. There was further discussion on renegotiation of a license for supply to neighbouring properties.
- iii) The applicant was asked whether further application will be submitted to store the hay displaced by this development, or if the shed is redundant. Cllrs commented that the management document is not clear. The applicant commented that agriculture is not a high priority and that wildflower meadows will be established that will be cut twice a year for hay. Hay will be taken by a local farmer and silage will be stored in the field. The applicant commented that the existing barn is not redundant for agriculture as 100 sqm will be used for hay storage. If the application is unsuccessful the barn will be continued to be used as it is.
- iv) The applicant was asked about the impact of COVID-19 on the business. It was commented that demand was boosted at the beginning of lockdown as customers stockpiled. Approximately 1/5 business was made up by serving independent shops in Totnes which is currently down. 1 member of staff is furloughed and others are working from home, although this is unsatisfactory.
- v) It was commented that the development is within the Greater Horseshoe Bat sustenance zone and the impact on increased light associated to an industrial building compared to a barn. The applicant gave details of low level lighting design that is shielded and on timers to mitigate negative effects. Cirl Bunting and bat foraging areas are being created.
- vi) Cllrs asked why the barn was built if the agricultural business does not need a barn. The applicant responded that the change of use is due to a reprioritisation of the owner. It was commented that whilst it is a viable agricultural business the applicant could foresee that renting industrial space elsewhere for the distribution business would not make sense. Any landowner has a right to build a structure as has been done, commenting that the barn was built to move the business in. The applicant commented that he will look for every method to keep employees in work. The applicant commented that he has been approaching other industrial sites and cannot find anything.
- vii) On questioning the applicant confirmed belief that the road access will have a safe outcome.

### **Agenda**

1. **Apologies** were received as above.

#### **2. Declaration of Interests**

2.1 Register of Interests Cllrs were reminded of the need to update their register of interests

2.2 Declaration of interests (nature and scope) on items on the agenda For reasons of transparency the Chair wished it to be known that in 2015 her son had a summer job as a general labourer for the applicant of planning application 1232/20/FUL

#### **3. Reports for information from:**

3.1 County Councillor (C.Cllr) Cllrs were advised that they had been sent an electronic report by email.

3.1.1 *Social Distancing planning* The C.Cllr commented that towns and cities have been asked to consider how members of the public can maintain social distancing when queuing for shops in Totnes. It has been agreed to stop traffic between 9 -1 on a Saturday as a car free period.

3.1.2 *Active Travel* Cllrs were encouraged to propose items for the agenda or to attend the Traffic and Transport Forum (TATF) on 24<sup>th</sup> June looking at increasing the number of routes in and out of towns and village centres.

- 3.1.3 *Local Government Association (LGA) Survey A* A high percentage of people thought that their local council were looking after them well throughout the pandemic. Totnes Caring is now supporting 500 people.
- 3.1.4 *Totnes Rural Area Youth Engagement (TRAYE)* Five youth workers are now working for TRAYE, providing more stability. It is now looking to set up a youth café in Buckfastleigh and likely to trial this as a virtual one.
- 3.2 District Councillor (D.Cllr)
- 3.2.1 *Discretionary grants for business* The D.Cllr is working hard to encourage local businesses to apply for available grants. The team at SHDC has tried to make the criteria clear. The D.Cllr has asked for clarity on how grants will be prioritised.
- 3.2.2 *Council Recovery* The D.Cllr reported participating in an Overview and Scrutiny Committee meeting on how the council is going to recover. 'Build back better' is the tagline and is meaningful as it aims to build communities that are resilient economically and environmentally. The D.Cllr would be interested in cllrs contribution to the process and their view on this. A document is being compiled which will go to Executive and discussed on 18<sup>th</sup> June.
- 3.2.3 *Unitary Authority* It was commented that the creation of a new unitary authority for the area is possible. It was asked whether this would go to referendum. The D.Cllr commented that the Secretary of State has the power to impose this status on the Council.
- 3.2.4 *Planning applications on the agenda* The D.Cllr made comment that he has serious concerns about both.
- 3.2.5 *Play park at Harbertonford* The D.Cllr reported that he has spoken to a member of the public who expressed an interest in supporting the park and will look at ways in which Harbertonford Community Ltd can be the force behind the project.
4. **Minutes** The following minutes were approved as an accurate record:
- 4.1 Ordinary Meeting of Harberton Parish Council 12<sup>th</sup> May 2020.
5. **Report Matters Arising from the Minutes** for information only
- 5.1 Harberton Devon Air Ambulance Clearance Area sign Ongoing
- 5.2 Tree update:
- 5.2.1 *Ash Dieback Survey* The Clerk reported that a meeting was held on site at Harberton Playing Field with Dart Forest Tree Works on 21<sup>st</sup> May prior to the surveys taking place. The written report has not yet been received. It was reported that the contractor commented that the survey should be an annual undertaking of the Parish Council, and therefore budgeted as such.
- 5.2.2 *Maintenance of Ash on Woodland Road* Cllr Camp reported raising the issue with the landowner, who will look at maintenance after the bird nesting season.
- 5.2.3 *Ownership of trees on park boundary* The Clerk reported that Highways had reviewed Land Charges and Terrier data, indicating that the area is neither adopted highway nor owned by the County Council. The Clerk had requested the trees to be included in the survey as above (5.2.1) It was agreed that a Cllrs Davidson, McDonnell and the Clerk form a working group to discuss land management and how this could be reflected in an updated lease with Harberton Playing Field Association (HPFA) and come back to the Parish Council with a recommendation.
- 5.3 Patching works at the Zebra Crossing The Clerk reported correspondence with Devon County Highways (Highways) in which Highways was advised that patching works at the zebra crossing were actually carried out by the Western electrics contract cable gang as they had to excavate under it during the progress of their works. The Clerk had informed Highways the road surface in the centre of the road is still in need of repair, where there is a dip in the centre of the crossing caused by improper/inadequate backfilling/reinstatement of the road surface following the installation of the cable connecting the two Belisha beacons on the crossing being at insufficient depth. Highways had responded to comment that the number of utility apparatus and pipes that exist on this section of road is unknown, and likely to be squeezed together due to having to cross the bridge. The Officer suspected that ducting had to be set shallower than desired due to other apparatus meaning it would be more susceptible to traffic movement. As neither ducting, cabling or beacons have been replaced recently the works would be well out of any maintenance period and now would revert back to the defect and maintenance processes. Highways has asked a Neighbourhood Highways Officer (NHO) to review the depression and if it is a defect on the zebra crossing then we can log it as such. If it is not, a depression in the carriageway is not considered a defect and no further action is expected until either it gets worse and becomes a defect or a surfacing scheme fills it. **ACTION: The Clerk** was asked to refer highways to the incident in which a pedestrian had tripped and fell at this point in the crossing. .
6. **Co-option of Councillors** to Harbertonford and Harberton Ward. No interest had been received. Cllrs were informed that a new 'notice of vacancy' has been provided to Town and Parish Councils to display for any new vacancy. Should ten valid requests for a by-election be received by the Proper Officer, under the provisions of the Coronavirus Act the by-election will not currently take place. The 2020 regulations provide for the by-election to be held on Thursday 6 May 2021. However, this date may be brought forward or deferred by the Government depending upon the circumstances. The Chair commented that it was important that democracy was upheld during the pandemic. It was commented that there had been concerns as to democratic processes being maintained at South Hams District Council (SHDC). The meeting was adjourned to invite the D.Cllr to comment that meetings of the Development Management Committee are being held as a test run to reopen the process. Following this comment, the meeting was reconvened.

## 7. Planning

### 7.1 Consider planning applications and receive notifications for prior approval (for information)

7.1.1 1232/20/FUL Change of use of agricultural building to mixed use agricultural, warehousing/storage and new package treatment plant at Eden Farm Harberton. A letter from the applicant was discussed in consideration of the planning application, along with further responses to Parish Councillor questions exchanged by email, and comments made by the applicant during the public session. Following discussion, **it was RESOLVED** to STRONGLY OBJECT to the application on the following grounds:

- There would be a significant increase in HGV traffic through Totnes, particularly at Follaton, to access the site.
- The Parish Council has serious concerns about ground water contamination from the site to ensure that the neighbour's spring water supply for their homes and farms are not contaminated at any point.
- The site is not suitable for an expandable warehouse distribution depot.
- As much as the Parish Council support sustainable employment, it does not feel that this greenfield site in open countryside is suitable.
- The application quotes the first part of the vision statement within the Draft Harberton Parish Neighbourhood plan: *"Our vision is: to have a vibrant, healthy, cohesive community in a high quality environment where people will prosper and want to live and work"* but does not refer to the second part of that vision statement, which continues: *"to maintain and be able to hand down to future generations a Parish which has protected and enhanced its unspoilt rural character, biodiversity and heritage."*
- Concerns of rural light and noise pollution in a rural setting that wouldn't otherwise be there.
- Under planning application 2799/16/AGR condition 3 'if the building is redundant to agriculture', this condition should be carried through.
- The access needs to be reconsidered for the type of traffic that is being suggested within this planning application.

It was agreed to forward the most recent working draft of the Harberton Parish Neighbourhood Plan dated 27<sup>th</sup> February 2020 to the planning officer with comments for reference, drawing attention to 'Economy' section.

7.1.1.1 Letter to Parish Council from applicant. Discussed during the public session and item 7.1.1.

7.1.2 1396/20/FUL Excavation of field to form earth lined slurry store at Hatchlands Farm Blue Post Totnes **It was RESOLVED** to SUPPORT the application with a comment on a proposed condition: that the development meets Environment Agency requirements in its construction. This followed discussion of capacity of a slurry pit to avoid overtopping and spreading at an unsuitable time.

7.2 Receive a report on planning and appeal decisions Cllrs were informed of the following decision:

1174/20/AGR Application for prior notification of agricultural and forestry metal clad storage building with roller shutter access at Monkey Oak Barn DECISION: Prior Approval Details required

7.3 Receive a report on enforcement cases Cllrs were informed of cases that had been closed and new cases on the caseload.

## 8. Monthly reports

8.1 Finance Committee The next meeting of the committee will take place on 7<sup>th</sup> July 2020.

8.2 Neighbourhood Plan update No update as no meeting held.

8.3 Community Land Trust update No update.

8.4 Clerk's update

8.4.1 SSL Certificate renewal The Clerk reported seeking free alternatives to the SSL Certificate provided by the hosting provider, however all free services required regular manual updates, and did not appear compatible with hosting. **It was RESOLVED** that the SSL certificate be renewed at a cost of £119.98 for 2 years.

## 9. Harberton Parish Parks and Playing Fields

9.1 Harberton Playing Field Cllrs were informed that members of the Harberton Playing Field Association (HPFA) had begun lifting, cleaning, relaying or replacing the safety matting in May, initially around the roundabout which is the worst area. HPFA has also measured for additional timbers needed for roundabout perimeter. A contractor is preparing a quote for the cost of repainting the climbing frame and fence post repairs which will likely exhaust the remainder of the Community Benefit Grant allocated. No commitment has been forthcoming from the person who agreed to mend the rocking horse. HPFA is going over the latest Allianz report and reviewing through a risk assessment. The recommendation to fence the play area will be reviewed in this but the decision whether to do it will be for the Parish Council to consider.

9.2 Harbertonford Park

9.2.1 Receipt of annual Allianz report for Harbertonford Park A copy of the full report had been circulated to cllrs prior to the meeting, showing no category A defects (defects which could cause a danger to persons, particulars of any repairs, renewals or alterations to rectify those defects and the time within which those defects shall be rectified) but a number of category B defects (Identification of any other parts that require rectification) including loose perimeter fencing panels and pedestrian gate not closing fully, cradle swing fixtures loose, rubber seat surrounds and centre strap rubbers perished, extensive rot in the wooden structure and plant growth on impact surface. The finger trap issues that have been a feature of these

reports in the past had been discussed with Earth Wrights who in the past, had not considered the category B defects sufficient to fix. Cllrs commented that the wooden structure has got to the point of repair at significant cost or removal will have to be imminent. Based on observations of accelerating rot, if the park can't be opened by September cllrs should consider removal before reopening.

- 9.2.2 Consideration of maintenance and management of equipment The Clerk's last correspondence with the member of the public (MOP) who had expressed an interest in the park project was in March. It had been suggested by the MOP that 'A Friends of Harbertonford Park' group be established, administered by the Parish Council via the Clerk, an annual maintenance schedule should be circulated to a 'friends' group with dates in advance to allow planning. It was commented that the cap on the Community Benefit Fund would not be sufficient for works required, and if the Parish Council would consider increasing this. The Clerk had replied that The Parish Council imagined that the Community Benefit Fund could be one source of funding and that there are other sources that could be applied for at the same time. Contact details to discuss this with the Chair of the Finance Committee were given, with the comment that it would be challenging for Parish Councillors to approve £3,000 funding to repair something that is likely to continue to rot, rather than contributing towards new equipment. It was therefore important to discuss with the people who most use the equipment. It was proposed that the Parish Council undertake a consultation exercise to understand what the community would like to see in the park and seek volunteers to take this forward, as looking for volunteers to do this was proving challenging. Support was offered from the new Harbertonford community organisation.
- 9.2.3 Reports of vandalism It was reported that vandalism had again been dealt to the silver birch trees, one completely broken, which has now been removed. More seriously it had been noted that areas of scorching to the grass and rubber matting near the swings has been observed, suggesting that fires had been set. It was commented that there could be a serious incident if fire experimenting was carried out, particularly when grass is dry. The Clerk reported raising this with the Harbertonford Academy Head to request that fire safety was discussed with primary school pupils and raise awareness with young people through TRAYE and raise with the PCSO. It was suggested to put this information in the Village life to raise awareness with parents.
- 10. Wildlife Friendly Parish** Cllrs were informed that the cutting of verges at Harberton Parish Hall had prompted the creation of a proposed 'Wildlife Friendly Parish' document for Parish Council consideration by members of the Environmental Action Group. It was noted that members of the Action Group had been in touch with the Clerk to advise of a petition asking for DCC to provide clear guidance and leadership across Devon on how to manage verges and hedges to promote biodiversity, and asking this to be part of the Council's response to the climate and biodiversity emergency declared last year. Cllrs asked the clerk to respond to the Environmental Action Group that whilst the Parish Council is in favour of the concept of a wildlife friendly parish, it would welcome further consideration to the proposed document that takes into account that the Parish Council has no authority to enforce a ban of grass cutting or pesticides by other agencies or by individual land owners. It was agreed to ask the Environmental Action Group consider how a community policy would apply to the wider community (i.e. other agencies and private owners) and how that community would be encouraged to participate. This may be in the form of practical suggestions, or an education campaign etc. It was agreed that a holistic approach would be preferable, that could include management strategies for different types of land use – e.g. the football pitch demands one type of cutting schedule when the banks and verges require another. It was commented if there were any costs associated to such, the Environmental Action Group would be welcome to apply to the Community Benefit Fund. Any policy adopted would need to be workable and as such the Clerk was asked to remind the group that the Parish Council doesn't manage a great deal of land within the Parish. The Parish Council propose that the Environmental Action Group offer suggestions towards a management plan of those spaces, noting that land used for leisure/recreation do require cutting between April - August in order for them to be used for their primary purpose, however the banks around this land could be considered areas that require fewer cuts. It was commented that the only works undertaken for the Parish Council relate to grass cutting, and not weed spraying.
- 11. Annual Audit** As the internal audit report had not been received, this item was carried forward to the next meeting.
- 12. Review of policy and procedure documents:**
- 12.1 Risk Assessment - ongoing
- 12.2 Protocol on recordings of meetings was reviewed and no amendments made.
- 12.3 Treatment of anonymous letters was reviewed and no amendments made.
- 12.4 Establishing or reviewing the Council's policy for dealing with the press/media. The Press and Media Policy was reviewed and no amendments made.
- 12.5 Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and Data Protection Act 1998
- 12.5.1 Freedom of Information Policy The Clerk reported that the table of published materials had been updated. Cllrs reviewed the document with no amendments made.
- 12.5.2 Harberton Parish Council Subject Access Request Policy was reviewed and no amendments made.

### 13. Correspondence

- 13.1 20200513 South West Property Flood Resilience Pathfinder Property Flood Resilience Awareness Questionnaire Cllrs were informed of an invitation to participate in a consultation to support the creation of a better range of tools to support individuals, businesses and communities to make informed decisions about whether to purchase Property Flood Resilience measures for local flood risk management. **ACTION: The Clerk** to send this to parish residents who flood regularly.
- 13.2 'Connect Me' Devon County Council COVID-19 response updates Cllrs were informed of updates received on 12/5, 15/5, 22/5 and 28/5 to give advice on government guidance as released, local outbreak planning, emergency financial help, free seminars for local business, investment in the local economy and local initiatives in places to prevent spread of COVID-19 and safety of residents. This includes a plea not to queue on the roads at recycling centres, being tick aware, 'Think Twice' campaign such as choice in using beaches and leisure spots whilst lifeguards are not on duty and impact of increased contact.
- 13.3 20200515 and 20200527 Reallocation of Roadspace for Active Travel Cllrs were informed that the Government has published new statutory guidance for highway authorities to reconfigure road layouts towards pedestrians, cyclists and 'active travel' focused on access to employment, town centres and schools as the nation moves out of 'lockdown'. For any proposals to be taken forward it is essential that they have the full backing Parish and Town Councils. As such, Highways is suggesting that community groups with suggestions on road layouts contact the Parish Council in the first instance to give Parish Councils opportunity to consider and where appropriate consult with effected parties and interested groups before those suggestions are furthered. Current projects focus on cities, market town centres and communities with large daytime retail/tourist populations to support social distancing measures.
- 13.4 20200519 Covid-19 Response – British Red Cross Donation Request Cllrs were informed of request for funds to support vulnerable people impacted by COVID-19. Funding would support funding of mobility aids, Emergency Response to floods and terror incidents and support refugees and asylum seekers. **It was RESOLVED** not to give a grant.
- 13.5 20200520 Temporary Traffic Notice - Crabadon Cross to Rolster Bridge Cllrs were informed of patching works due to take place from 2<sup>nd</sup> – 29<sup>th</sup> June with an alternative, signed route for vehicles via Combeshead Cross, Murtwell Cross, Rolster Bridge Cross, and vice versa.
- 13.6 20200527 Planning for Recovery and Building Back Better Cllrs were informed of a SHDC press release detailing the council's evaluation of the response to the pandemic and work to be done to focus on recovery and impact of COVID on council finances.
- 13.7 20200527 DALC Newsletter #32 2020 Cllrs were informed that the issue advised councils who are not already meeting remotely to do so, as guidance will not change sufficiently to allow a purely physical meeting. There has been no relaxation of the 'six month rule' that creates a casual vacancy if a councillor has not attended a meeting of 6 consecutive months and cllrs are encouraged to participate by telephone. The Clerk reported encouraging Cllrs Hockings and Janes to attend the July meeting. **It was RESOLVED** the clerk to obtain a telephone and credit to enable Cllr Janes to participate as calling in is cost prohibitive.
- 13.8 20200529 Council Asks Visitors to 'Be Beach Aware' Cllrs were informed of press release asking residents and visitors to maintain social distancing measures at beaches, being aware of lack of lifeguard cover, and of contributions to littering.
- 13.9 20200601 Public Space Protection Orders – Dog Control Articles – A Consultation Cllrs were informed of the consultation on new orders that dog walkers must carry dog bags or other container to collect dog waste, restrict number of dogs that can be walked at a time, reduce restriction of access for dogs on specified beaches from 1<sup>st</sup> July to 31<sup>st</sup> August to be consistent with Cornwall restrictions.
- 13.10 20200601 Flood risk research project - can you help? Cllrs were informed of a call for focus group participants in a research project about flooding, particularly looking for residents who have experience or are at risk of flooding.
- 13.11 20200602 Important Covid-19 Update for Town and Parish Councils Cllrs were informed of SHDC update that included guidance on social distancing, trips and holidays, sharing food, who is allowed to work and new advice for vulnerable people.
- 13.12 20200602 EXTRA Totnes & District Traffic & Transport Forum meeting FRIDAY 5.6.20 Cllrs were informed that a meeting of the forum had been called to discuss adaptations to highways in Totnes Town Centre to manage social distancing and create space for 'active travel' initiatives. The agenda included the issue of reversing traffic flow in part of the town centre.
- 13.13 20200604 Community Landing Sites - Update on night operations & training Cllrs were informed that Devon Air Ambulance is scheduling training flights in some Community Landing Sites as part of a phased return to resume services. The Parish Council was informed as a courtesy.

### 14. Finance

- 14.1 Notice of income and expenditure since last meeting. Nothing to report.
- 14.2 June 2020 payments **It was RESOLVED** to approve the following payments:

	To	Invoice/ paperwork	Detail	Before VAT £	VAT £	Total £
2006_1	Cat Radford	Payslip 20200622	Salary June: £429.52	479.08	0.00	479.08
			NP June: £49.56			

			Mileage/Parking	2.34	0.00	
			Office expenses	14.39	0.00	
2006_2	Cat Radford	Clerk Expenses Claim 20200604	Broadband claim	7.50	0.00	24.23
2006_3	Community Heartbeat Trust	2315	Outstanding payment for carriage on invoice dated October 2017	25.00	0.00	25.00
				587.81	11.90	599.71

- 15. E-Circulars** Cllrs were informed that the following publications are regularly received and can be forwarded on request: Citizens Advice South Hams, Devon Communities Together, Devon County Council Community News Round-up, Devon Home Choice, Emergency Planning newsletter, Fields in Trust, Harberton Village Email, Healthwatch Devon, Information Commissioners Office, Public Sector Executive, Rural Services Network, SLCC Membership, Torbay and South Devon NHS Foundation Trust.
- 16. Matters at the discretion of the Chairman: Councillors' reports and items for future agendas**
- 16.1 Stream at Harberton Cllr Camp was reminded that he had agreed to look at the silt build up in the stream.
- 16.2 Caravans at Dundry It was commented that a site at Dundry is being advertised on social media for the siting of caravans. The Cllr raising the issue agreed to forward the advertisement to the Clerk so that it could be forwarded to SHDC.
- 17. Date of next ordinary meeting** 14<sup>th</sup> July 2020.

Meeting closed at 10:38