

HARBERTON PARISH COUNCIL

Minutes of the ordinary meeting of Harberton Parish Council at 7.30pm on Tuesday 13th February 2024 at Harbertonford Village Hall

In Attendance

Harbertonford Councillors

Cllr Beamish: Present
Cllr Bowley: Present
Cllr Davies: Apologies
Cllr Palmer: Present
Vacancy
Vacancy

Harberton Councillors

Cllr Camp: Present
Cllr Hambly: Present
Cllr Paine: Present
Cllr Morris: Present
Cllr Williams: Present
Vacancy

Others

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

Public Session The member of the public (MoP) present informed councillors (cllrs) that he was in attendance to represent the views of another resident in relation to item 7.1.3. It was agreed to adjourn at item 7.1.3 to hear these views ahead of the Parish Council's consideration of the matter.

Agenda

1. **Apologies** were received as above **it was RESOLVED** to sanction reasons given.
2. **Declaration of Interests**
 - 2.1. Register of Interests Cllrs were reminded of the need to update their register of interests if any had changed.
 - 2.2. Declaration of interests No interests were declared on items on the agenda.
3. **Reports** for information from:
 - 3.1. County Councillor (C.Cllr) The C.Cllr had circulated a report ahead of the meeting.
 - 3.2. District Councillor (D.Cllr) There was no report in the D.Cllr's absence.
4. **Minutes**

It was RESOLVED to sign the minutes of the Ordinary Meeting of the Parish Council 9th January 2024 as an accurate record.
5. **Report Matters Arising from the Minutes** *Not otherwise on the agenda and for information only*
 - 5.1. Harberton Devon Air Ambulance clearance area sign (Clerk) Ongoing
 - 5.2. Bank signatory updates (Clerk) Ongoing
 - 5.3. Snow Warden registration and training (Clerk) Ongoing the Clerk has not chased this since the last meeting.
 - 5.4. Parish Lengthsman (Clerk) Ongoing
 - 5.5. Emergency Directory (Cllr Paine/Clerk) Ongoing
 - 5.6. Actions from the multi-agency flood meeting (Clerk) It was reported that Officers at South Hams District Council had agreed to consider providing support in getting an external survey done to help the tenant farmer farming fields above Screw Lane in Harberton identify where it makes sense to reposition a gate at Screw Lane. Means to contact the tenant farmer have been shared so that access and survey extent can be agreed. Results of the survey will be handed over to officers at Devon County Council for them to identify appropriate mitigations.
 - 5.7. Tree works (Clerk) It was reported that tree works at Harberton and Harbertonford parks discussed at the last meeting have now been completed and the Parish Council has been invoiced.
 - 5.8. Planning Training for Town and Parish Councils (Clerk) The Clerk and Cllr Davies had attended the online training on 24th January. A recording of the session had been made and a link circulated to all councillors along with copies of presentations made. It had been noted that the link provided was password protected. The officer at SHDC will be circulating a new link shortly.
6. **Co-option of Parish Councillors** No interest had been received to enable co-option of Parish Councillors.
7. **Planning**
 - 7.1. Consideration of planning applications
 - 7.1.1. [4124/23/CLE](#) Annexe Monkey Oak Barn Harberton Creation of single dwellinghouse through change of use of an existing dwellinghouse to form an additional single dwellinghouse. Two councillors present at the meeting agreed that they had personal knowledge that would support the claim.
 - 7.1.2. [4224/23/FUL](#) Erection of general purpose Agricultural Buildings Hatchlands Farm Harberton **It was RESOLVED** to SUPPORT the application.
 - 7.1.3. [4018/23/PIP](#) READVERTISEMENT (Site Location Plan) Application for permission in principle for nine new houses & associated infrastructure Land at SX 780 585, Meadow close, Harberton. Cllrs were informed that:
 - the application had been readvertised due to a fault of the Planning Authority; the red line (location plan) wasn't on the website at the time of validation. This has now been rectified.

- Following the Parish Council's consideration of this application at the previous meeting, the Neighbourhood Planning Group had met on 15th January 2024 and expressed disappointment at the Parish Council's recommendation the planning authority. Bringing forward affordable housing in the Parish has been compromised by the Parish Council's recommendation on the PIP.
- Due to interest in this matter, the nature of the PIP and not having had the opportunity to have a formal comment from the Neighbourhood Plan Committee, the Clerk has received written requests from 3 parish councillors in order to be able to revisit the recommendation.
- Two representations had been made by individual members of the Neighbourhood Plan Committee, which were tabled for consideration by cllrs. Cllrs were given time within the meeting to read these.

The meeting was ADJOURNED to enable a public session. A MoP read out a letter on behalf of a Harberton resident unable to attend the meeting, referring to letters of objection that they had submitted on the Planning Portal. Objections made were in relation to impact of development on flood risk and lack of detail available through a Permission in Principle planning application. The meeting was RECONVENED.

After discussion **it was RESOLVED** that the Parish Council put forward the motion that passed at the previous meeting to the planning authority: The Parish Council **SUPPORT** the Permission in Principle for 9 houses at Meadow Close with the following comments:

- The site is big enough to allow for a significant flood mitigation zone to capture all run off from the site and potentially improve existing flooding issues in the east of the village.
- A full drain survey should be carried out to ensure that the SWW sewage system can cope and the development does not cause any more issues in any other section of the village.

It was RESOLVED to add the following comments:

- Any development on the site needs to address the 2023 Harberton Parish Housing Needs Assessment and 2023 Harberton Parish Design Code
- In light of the housing emergency, the Parish Council is disappointed that there is no affordable elements to this scheme

- 7.1.4. 0275/24/FUL Agricultural Building and concreting of existing hardcore yard at Foales Leigh Farm, Harberton **It was RESOLVED** to SUPPORT the application.
- 7.1.5. 0082/24/HHO and 0083/24/LBC Householder application and Listed Building Consent application for works including: new slate roof, installation of solar PV array, masonry repairs, new lobby, demolition of rear toilet block, new flat roof and lantern over courtyard, new front & rear door, and internal alterations to first floor room at Maltsters House, Harbertonford **It was RESOLVED** to SUPPORT the application.
- 7.1.6. 0155/24/FUL General Purpose Agricultural Building at Hatchlands Farm, Harberton **It was RESOLVED** to SUPPORT the application.
- 7.2. Receive a report on planning or appeal decisions Cllrs were informed of the following decisions of the Local Planning Authority:
- 7.2.1. 4132/23/ARC Application for approval of details reserved by condition 4 (Roofing Specification) of planning consent 3147/23/LBC Dundrydridge House, Harberton APPROVED
- 7.2.2. 0123/24/TCA T1 - Silver Birch - To crown lift by 3- 4 Metres & T2: Walnut tree - To fell. 1 Moreleigh Road, Harbertonford Tree Works No Objection Raised
- 7.2.3. 3887/23/TCA G1: Mixed species - crown lift to 6m from ground level, pollard to 6m from ground level Land at SX 776 584, Harberton, Totnes Tree Works No Objection Raised
- 7.3. Receive a report on enforcement cases (for information only) Not received.

8. Monthly reports

- 8.1. Finance Committee update No update
- 8.2. Community Land Trust update The CLT has been continuing to liaise with Housing Associations. The CLT will be meeting with the District Council and SHDC's Housing Enabling Officer at an upcoming meeting.
- 8.3. Sustainable Harbourne Valley update It was reported that a tree and seed give away will take place in Harbertonford on 24th February. A talk on housing energy efficiency is taking place this month. Meetings have taken place with regard to a site in Harbertonford.
- 8.4. Neighbourhood Plan update It was reported that once the last meeting of the committee was quorate, preparation for an energy consultation event that will take place at Harbertonford school on Saturday 24th February was discussed. Publicity has been circulated. Booking is required to manage numbers.
- 8.5. Harberton Playing Field Association (HPFA) No update
- 8.6. Harbertonford Play Park Improvements Committee It was reported that the materials have been purchased in order to bond the safety surface. The overgrown hedge that borders the pathway to the school gate is being cut back, and arisings will be chipped.
- 8.7. Clerk's update It was reported that SHDC officers are liaising with the publican of the Church House Inn with regard to the decking. It was reported that the Clerk has exchanged correspondence with a resident with regard to current works on the A381 in Harbertonford. In response to this correspondence, engineers working with Devon County Council have been asked for updated and revised plans that could be published on the Parish Council website for reasons of transparency. In asking if there have been any modifications to the plans since the last iteration received by the Parish Council it was reported that:

- The road width at the crossing will be a little wider, 6.25m rather than the 6.0 in the original consultation plan.
 - To achieve 1.2m for the footway width for most of the length between the crossing and Old Road except for the final few metres up to Old Road as the additional encroachment into the road here could cause issues but there should still be improvement of no less than 1m.
 - The area with cycle stands will be made footway and have 2no. stands rather than the 3no. originally shown.
 - In response to concerns about the current condition of the road surface on Woodland Road, it was noted that part of Woodland Road will need to be resurfaced to safely tie it in with works on the A381 so it will make sense to extend any repair if this area is in poor condition. The footway on the east side of the A381 between the crossing and Old Road will be resurfaced as part of its widening.
 - In response to question raised by residents about intrusion of light from the zebra crossing and any additional street lighting into people's homes, the Zebra crossing beacons will be guarded so that they are only visible on the traffic approach directions.
- 9. Renewal of Harbertonford Play Park Lease** Following negotiations between the diocese's representative and Cllr Morris it was Reported that the Diocese of Exeter will agree a new 25 year lease at an annual rental of £250 pa on the basis that the Parish Council will be responsible for all maintenance and insurance issues as they have been previously and that there will be 5 yearly rent reviews based on RPI or similar. **It was RESOLVED** to accept this proposal provided that rent reviews be based on CPI and not RPI.
- 10. Internal Interim Audit** It was reported that the clerk met with the internal auditor on Tuesday 16th January, after providing documents and files required for audit. An interim audit report had been received and circulated to councillors for consideration. The report notes the following matters and recommendations, to which the Parish Council considered responses in turn:
- 10.1. **Matter Arising:** The Internal Auditor notes that for 2 transactions tested, there was no record of who had authorised the payment at bank, as this information is not retained by the banking system. **Recommendation** Email evidence of councillor approval to pay was shared, but the clerk should endeavour to save authorisation records before they are deleted by the bank. **Council Response** Noted.
- 10.2. **Matter Arising:** The Council should note that the Internal Auditor was only able to agree the Lloyds bank account balance (£39K) to a statement dated 14 April. **Recommendation:** The Clerk should look to obtain more regular statements from this account, for example via online access. The Internal Auditor understands the Council will be closing this account. **Council Response:** It's the Barclays account not the Lloyds account for which monthly statements are not available. The Finance committee has a practice of signing a printed copy of transactions available online. It was agreed that the Parish Council endeavour to open a new account.
- 11. Emergency Resilience Grant Fund** Cllrs were informed that Devon Communities Together has been in touch with the Clerk and with the Harbertonford Village Hall Committee to encourage an application to the fund before the deadline at the end of March 2024. With the recent flooding in the area, the parish would be a priority area for funding. As a temporary measure until the end of March, communities don't need to have an emergency plan in place to receive the funding. Harberton and Harbertonford could be considered separate communities and therefore different funding applications could be put forward for both. **ACTION: Cllrs Bowley and Beamish** agreed to research the cost of building a bespoke 'emergency shed' on a small unused area of the Harbertonford bridge carpark and report back to the Clerk in advance of the next meeting of the Parish Council. It was suggested that the shed be used to store equipment such as Aquasacs, emergency kits, snow shovels, long handled squeegees. The Clerk will liaise with Devon Communities Together and Harbertonford Village Hall on the options for putting together an application before the deadline.
- 12. Implementing the Harberton Parish Neighbourhood Plan: What role for the Parish Council?**
- 12.1. Neighbourhood Plan Chapter 1 draft It was noted that a draft introductory chapter to the Neighbourhood Plan had been circulated.
- 12.2. The Parish Council's Role A paper had been circulated to cllrs laying out a number of proposed options on the Parish Council's role in implementing the Neighbourhood Plan for consideration and comment. After discussion, **it was RESOLVED** to carry this over to the next meeting of the Parish Council. It was noted that some of the options outlined are administratively labour intensive and therefore need further consideration.
- 13. Annual update from Harbertonford Allotment Society** It was noted that that the Clerk had received the Chair's annual report to the allotment society's AGM which will be forwarded to cllrs after the meeting for their interest. It was noted that a financial report and valid insurance certificate had been presented.
- 14. Totnes Rural Area Youth Engagement Project** Papers had been circulated in advance of the meeting, noting TRAYE's request for a grant of £3500 from all parish councils where it operates, along with information about TRAYE's suggest that Parish Councils enter into a Memorandum of Understanding (MoU) with TRAYE instead of a Service Level Agreement (SLA).

Advice from the Devon Association of Local Councils had been sought and, following requests from several other councils on the same matter, DALC sought legal advice from the National Association of Local Councils (NALC) to ensure that advice on the matter was consistent.

Clerk read from advice noting that provision of youth services is a duty of the principal authority (in this case, Devon County Council) which is generally a restriction on parish councils getting involved. Youth centres or services will need to work with DCC for funding, and to ensure they are meeting the considerable compliance requirements and restrictions that apply. Parish councils may want to be cautious especially in view of the restraints, compliance issues and general legal issues around youth provision and children. The youth service could be advised to reach out to DCC directly for funds. There may be charitable grants which the team at DCC could point them in the direction of, or the portfolio holder may also be able to assist with this. NALC has suggested that the council could also contact DCC directly, perhaps through the local ward councillor, and ask what help could be given to the group.

It was noted that DALC doesn't have all the information, but it is possible that TRAYE might be considered more of a "youth club" instead, perhaps akin to Scouts or similar. In which case, the council still has no specific powers to fund that so will need to rely on s137 as the power of last resort. The council will need to bear in mind the other requirements of s.137 including the annual limit on expenditure and the requirement for the expenditure to be commensurate with the benefit. In addition, please note that the discretionary 'one-off' nature of s137 may not be compatible with covering staff wages, which need to be ongoing. NALC have also expressed some concern over a memorandum of understanding for what is discretionary grant funding. Cllrs had been forwarded a legal topic note about S137 along with meeting papers.

It was RESOLVED that the Parish will not enter into a MOU with TRAYE.

It was RESOLVED to make a grant to TRAYE of £1500, with indication what percentage of the precept this relates.

It was RESOLVED that this grant be made in the new financial year, after 1st April 2024, subject to TRAYE agreeing that they will continue running the youth club in Harberton Parish for the coming financial year.

15. Correspondence.

- 15.1. #01 2024 DALC E-bulletin *For information* Cllrs were informed that this e-bulletin includes news that the Levelling-up and Regeneration Act 2023 has amended the Local Government Act 1894 to clarify the powers of a parish or town council to fund church repairs or improvements. The government's view is that its amendment clarifies that the 1894 Act does not affect the discretionary powers of parish councils in England to fund church repairs or improvements or property held for an ecclesiastical charity.
- 15.2. Bus Stop *For consideration* Cllrs were informed that correspondence was received from a Tally Ho bus driver asking for any assistance that could be offered. Bus drivers often come across parked vehicles in the Kingsbridge Bound bus stop, which forces drivers to block a very busy road whilst picking up and dropping off passengers because inconsiderate drivers believe it acceptable to park in a clearly designated bus stop in constant use, including on Sundays. The bus driver would greatly appreciate any help in discouraging this abuse of the highway. **ACTION: Cllrs Bowley and Beamish** agreed to keep an eye on parking in the bus stop and report back to the next meeting.
- 15.3. #03 2024 DALC E-bulletin *For information* This e-bulletin notes that the s.137 expenditure limit for 2024/25 will be £10.81 per elector. The expenditure limit remains at £9.93 per elector until the end of the current financial year. The bulletin provides dates of available 'Being a Good Councillor' course, should cllrs wish to book onto this training. It also shares news that the Emergency Resilience Grant Scheme has been extended until end of March 2024, and that it is no longer a requirement for applicants to have an Emergency Plan in Place.
- 15.4. District council supporting the community *For information* The Parish Council was informed by press release that SHDC Executive Committee has set four priorities for the next four years, funded by an investment of £4.59m. The four key policy areas tackle housing challenges, address climate change and biodiversity loss, support the economy and deliver good quality services to South Hams communities. A specific 12-month action plan focused on Housing and Homelessness prevention includes working with partners and communities to create good quality, genuinely affordable, energy efficient housing and making the best use of housing that already exists.
- 15.5. Web camera upgrade - Yeolands screen *For information* Cllrs are informed that the web camera at Yeolands screen has now been upgraded to take pictures every 15 mins. Images can be accessed via <http://www.eathorvertonwebcam.org.uk/Webcammenu/EAFrameset.html> Telemetry is now connected up to the mains supply which should provide some resilience to the alarm system. The Environment Agency is keen that this information is shared with local residents. The Clerk has requested that information is published in Harbertonford Village Life.
- 15.6. Composting Pilots *For consideration* Cllrs were informed that Sustainable South Hams is undertaking a series of composting pilots. A Community Composting Fact Sheet is available as is a Home Composting RoadShow, Home Composting Demos, a Neighbourhood Food Waste trial and courses on community composting and repurposing brown bins are available for booking. Sustainable South Hams is looking to engage people who want to see change in their communities and who are prepared to share the skills they learn and initiate local projects. No cllrs expressed interest.
- 15.7. #04 2024 DALC E-bulletin. *For information* Cllrs were informed of the Devolution Deal for Devon announcement, which would transfer powers and funding from Government to a Devon and Torbay Combined County Authority. Before proposals can be confirmed, they need to be supported by the cabinets of both

Devon County Council and Torbay Council, followed by a six-week public consultation. DALC encourages parish and town councils to familiarise themselves with the proposals and to respond to the consultation.

- 15.8. DAA CLS - 3G Switch Off and GSM Testing *For information* Cllrs are informed that BT switched off the existing 3G network across Devon as of the 31st January 2024, which means that there is no 3G network reaching the GSM units at Devon Air Ambulance Landing Sites. Devon Air Ambulance Trust (DAAT) conducted a light test on 2nd February, turning the lights on and off remotely, to make sure the system is working as it should using 2G. If the GSM unit doesn't work as expected, the air ambulance will still continue to use the site if required at night as a temporary dark site. Visits are being booked at all sites to undertake a software update. Devon Air Ambulance Trust is in conversation BT and other suppliers about a suitable long term solution to ensure that the network of lights across Devon can be used as and when they are needed. In time this may mean that the GSM units are replaced with units able to work with 4G or 5G.
- 15.9. Council launches new housing support for communities *For information* The Parish Council was informed by press release that in its drive to tackle the housing crisis, South Hams District Council has launched the South Hams Housing Offer, which will help local communities deliver more affordable homes in their area. One of the most challenging problems residents face is a shortage of properties which they can afford, and the South Hams Housing Offer will help remove some of the barriers for communities trying to bring housing projects forward. The South Hams Housing Offer provides funding and support to help communities kickstart housing projects, connect with Registered Providers (of social housing) and deliver homes where and how they are needed most. For communities showing appetite in delivering homes in their local area, funding and practical help is available through the Housing Offer. This could be for communities just starting out who need help with setting up and exploring sites, or for more established groups such as Community Land Trusts who may already have a site in mind and need help with the next steps. Landowners wishing to support their communities deliver much needed affordable housing can also receive practical help on how to donate or sell land. More information, including how to apply can be found at www.southhams.gov.uk/SHHO
- 15.10. #05 2024 DALC E-bulletin *For consideration* Cllrs were informed that e-bulletin includes the update that Devon and Torbay Cabinets formally confirmed their support for the proposed Devon & Torbay Devolution Deal and a public consultation will be carried out between 12 February and 24 March. The consultation will invite views on the draft proposals to establish the Devon and Torbay Combined County Authority (CCA). Whilst this deal involves highly strategic topics such as education, the economy, housing, transport and more, this is an opportunity for the sector to express its aspirations for the new CCA to engage with parish and town councils, ensuring decision making reflects community need. DALC urges all councils to consider the proposals at an upcoming meeting. **It was RESOLVED** that the Parish Council discuss this matter at its March meeting.

16. Finance

- 16.1. Notice of income and expenditure since last meeting.
23rd January 2024: Income of £20 from Harberton Parish Hall for Ground Rent in 2023 and 2024.
- 16.2. To consider payments as per the February payment schedule **It was RESOLVED** to make the following payments:
- 16.2.1. Payment 2402_1 to Cat Radford, payslip dated 22nd February 2024 includes Clerk Feb salary £518.27, Neighbourhood Plan Feb Salary at £59.80 and overtime payment 2 of 3 at 118.58 = £696.65 no VAT.
- 16.2.2. Payment 2402_2 to Cat Radford, Clerk expenses claim dated 8th February 2024 for mileage at £10.53 and broadband at £7.50 = £18.03 no VAT.
- 16.2.3. Payment 2402_3 to Colin Finch for allotment rent = £500.00 no VAT.
- 16.2.4. Payment 2402_4 to April Skies Accounting invoice 0168 for Interim Audit 23-24 - January 24 = £102.50 no VAT.
- 16.2.5. Payment 2402_5 to UXG Contractors Invoice 813 for works arising from Parish Council Tree Condition Assessment (June 2023) Job 1: £33 Job 2: £12 = £45.00 no VAT

17. **E-Circulars for information** Cllrs were informed of e-circulars received: Citizens Advice South Hams, Climate Change and Biodiversity Emergency, Devon Communities Together, Devon County Council Community News Round-up, Devon Home Choice, Emergency Planning newsletter, Green Lanes Environmental Action Movement (GLEAM), Harberton Village Email, Healthwatch Devon, Information Commissioners Office, One Devon NHS Integrated Care Board, Parish Online, Rural Services Network, SLCC Membership.

18. Matters at the discretion of the Chairman

- 18.1. Tree warden network meeting It was noted that a networking meeting had taken place and that the Tree warden had attended.
- 18.2. Fork Cross junction Two councillors both wished to report that it had been noticed that road scrapings from works on the highway had appeared to have been dumped on the verge at Fork Cross. Councillors commented that there was understanding that despite concerns about poor visibility on this junction, mowing on this verge was restricted due to there being orchids here. Tipping road scrapings here could damage the habitat of this protected species. It was also commented that due to the poor visibility at this location, increasing the height of the verge would also be inappropriate. **ACTION: The Clerk** will write to Highways.
- 18.3. Peak Cross encampment Cllrs were informed that the clean up at Peak Cross is in progress.

19. **Date and location of next ordinary meeting** Tuesday 12th March 2024, Harberton Parish Hall
Meeting closed at 21:31