

Assets of Community Value Nomination Form

Please complete this form fully. The details you place in this form will be the basis for which the Council will come to an informed decision on whether the asset can and should be placed on the List of Assets of Community Value, or not.

How we use your personal information

What personal information do we need?

In order to process a nomination we require the name, address, telephone number and email address of the nominating body and the owner/occupier of the nominated asset. In cases of applications made by unincorporated bodies with at least 21 individual members, all the 21+ members' names and addresses should also be provided.

Who is collecting it?

The data controller is Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR.

Why is it being collected?

Under the Localism Act 2011: Assets of Community Value (England) Regulations 2012, we have a statutory duty to receive, process and make a decision on nominations for Assets of Community Value.

How will it be used?

Personal information is used to process the nomination, to make a decision on the nomination, and inform the owner(s) and other interested parties of the nomination, its progress and the eventual decision.

Who will it be shared with?

We will share the personal contact details used to process the nomination with internal departments within the Council e.g. Local Land Charges, Legal Department, Governance Support and Elected Representatives Information will also be shared with the Torbay Development Agency as the Council's Asset Management body.

How long will the information be kept for?

Nomination forms and information relating to the nomination will be kept for 6 years.

Your rights

If you feel that the information the Council holds about you is incorrect, you have the right to request it is rectified. You are also able to request a copy of the personal data the Council holds about you. To see more information about your rights, please see our Information Rights Policy.

If you wish to raise a complaint about how the Council has processed your information please contact the Council's Data Protection Officer via infocompliance@torbay.gov.uk

Important notes

The assessment period will commence once the Council is in receipt of a **fully valid application**. **Incomplete application forms and forms missing required documentation will not be accepted as valid and will be returned to the applicant to provide the missing information.**

A landowner/occupier is entitled to see this form during the 8 week consultation period (once the nomination is validated) or following any decision to list the asset concerned as an Asset of Community Value.

Please complete this form electronically, or if completing by hand, only use **BLOCK CAPITALS and black or blue ink**.

Section 1. About your Organisation

1a. Nominating Organisation's Name and Address:

Organisation Name*: Breakwater Beach Community Group

Address: 12 Prospect Road, Brixham, Devon TQ5 8HS

**full name as written in your constitution or rules (if appropriate)*

1b. Please provide a named contact for us to get in touch with, should we need to discuss your nomination:

Name:

Address:

Telephone:

Email Address:

1c. Please specify which of the following categories your organisation relates to

Category of Organisation

Description:

Please tick only **one** box:

Registration / Charity number (if applicable)

Town or Parish Council

Body designated as a neighbourhood forum under the Town and Country Planning Act	<input type="checkbox"/>	
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members	<input checked="" type="checkbox"/>	
Charity	<input type="checkbox"/>	
Company limited by guarantee which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Industrial and provident society which does not distribute any surplus it makes to its members	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	

1d. Evidence Organisation

Please provide a copy of the following as relevant to your organisation (tick all documents provided):

Memorandum of Association	<input type="checkbox"/>
Articles of Association	<input type="checkbox"/>
Companies House return	<input type="checkbox"/>
Trust Deed	<input type="checkbox"/>
Constitution / Terms of reference	<input type="checkbox"/>
Standing Orders	<input type="checkbox"/>
Interest Statement for Community Interest Company	<input type="checkbox"/>

1e. Evidence of a local connection

All nominating organisations must have a local connection, please tick all the relevant statements that apply, or provide a description of how your organisation is connected to Torbay, or a neighbouring authority's area (South Hams or Teignbridge):

The body's activities are wholly or partly within Torbay, South Hams and/or Teignbridge	<input checked="" type="checkbox"/>
At least 21 of the members of the body are local (see point 1f. below)	<input checked="" type="checkbox"/>
Any profits made by the body are wholly or partly applied for the benefit of Torbay, South Hams or Teignbridge	<input checked="" type="checkbox"/>
It is a parish council within Torbay's boundary or it shares a boundary with Torbay	<input type="checkbox"/>

Description / additional information:


1f. Membership of unincorporated bodies

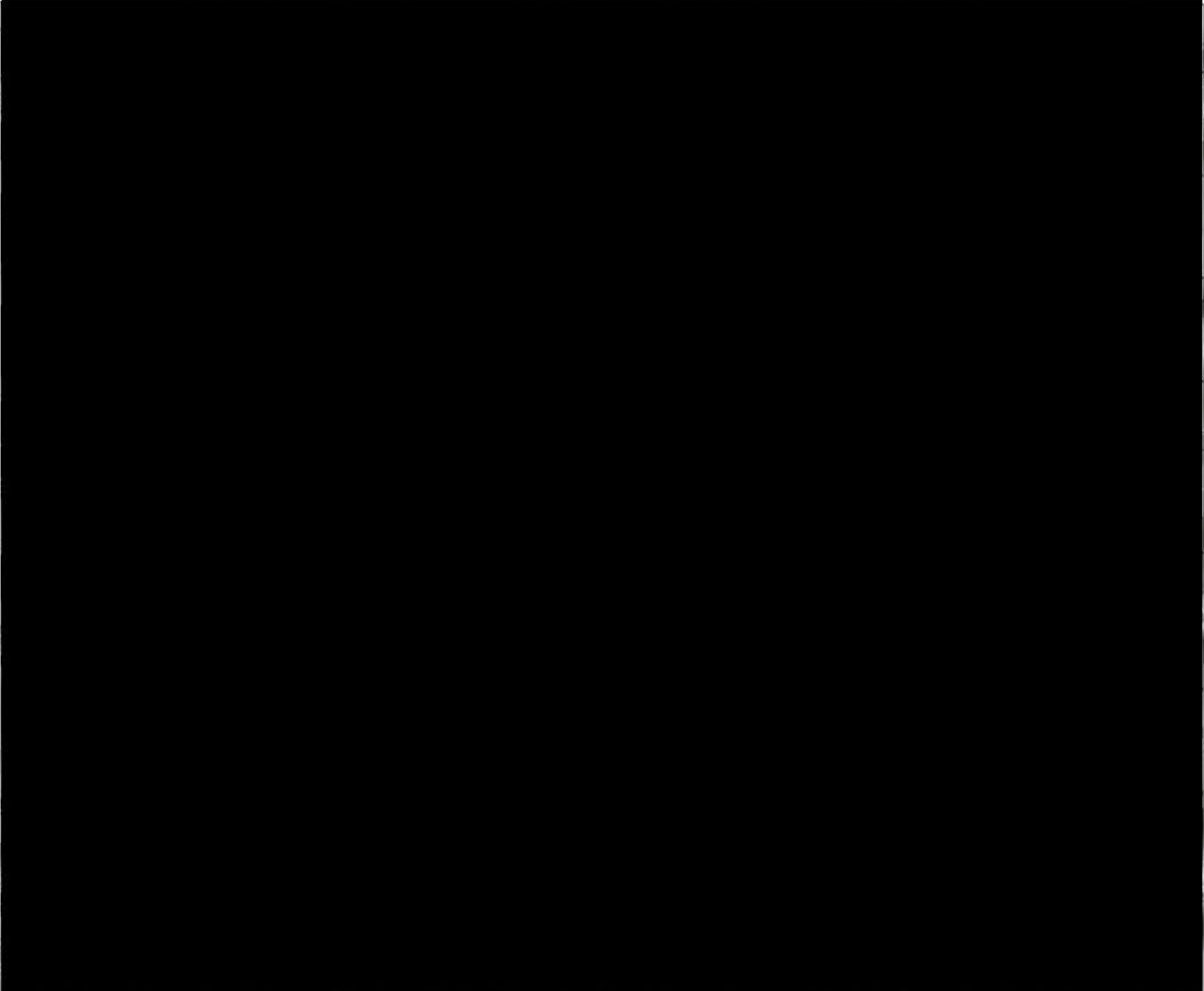
For unincorporated bodies please confirm that at least 21* members are included on Torbay's register of electors and provide their names, addresses and signatures below:

Name:

Address:

Signature:





** if you have more than 21 members, please provide additional details on a separate page annexed to this application.*

Section.2. About the Asset you are nominating:

2a. Please provide the name of the asset (if relevant), and the location/address of the asset:

Name: Breakwater Beach Car Park

Address: Berry Head Road, Brixham,

Postcode: TQ5 9AF

Is the asset defined as operational land under section 263 of the Town and Country planning Act 1990, or owned by statutory undertakers such as utility companies? Please provide details:

No it is a publicly owned car park

2b. Please provide details of the boundary of the asset. Please submit a boundary map/plan at the end of this application which helps to clarify the exact location and extent of the asset being nominated. Where possible this should be a Land Registry Title and Title Plan for the asset (less than one month old). You can get electronic copies of the Land Registry Title and Title Plan from the Land Registry at <https://www.gov.uk/search-property-information-land-registry> (there is a fee for this service).

If the asset is unregistered, alternatives include a Site Location Plan, or OS map with boundaries clearly marked in red, with a North point, and a scale.

Please note that you are required to provide correct boundary and ownership information for the asset you wish to nominate. Incorrect or ambiguous information will be considered an incomplete application form and not be accepted as valid.

See plan attached.

2c. Owner and occupier details (Please provide all information available to you, and copies of the Land Registry Titles and Plans. Note: where there is leasehold(s) and freehold, please provide copies of the Land Registry Titles and Plans for both the leasehold(s) and freehold):

	Name	Address	Delete as appropriate
Owner/s	Torbay Council	Town Hall, Castle Circus, Torquay, TQ1 3DR	Current
Lawful occupiers	N/A		
Holder/s of freehold estate (if not the Owner)	N/A		
Holder/s of any leasehold estate	N/A		
Further detail / other:			

2d. Current use of asset

What is the asset / What is the <u>current</u> main use of the asset? e.g. shop, pub, community facility, playing field	Public car park. Its is a flat car park adjoining the public Breakwater Beach.
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Describe fully how you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

The Car Park is fully accessible being on the level and adjoining the public beach known as Breakwater Beach. There are slopes down from the car park to the beach so that it makes the beach easily accessible.

The beach itself is a much loved local asset. Breakwater Beach is close to the mouth of Brixham harbour and is one of the cleanest beaches on the English Riviera, South Devon's beautiful bay. Not only is it a Blue Flag beach, but it has a Combined Seaside (resort) Award and has been recommended by the Good Beach Guide.

There's disabled access with adjoining parking facilities, meaning everyone can enjoy it.

The beauty of the Breakwater Beach is that it is fairly unspoilt and has an old world charm that draws families back to it time and time again. The views from the beach are exceptional and on a good day the Jurassic coast can be seen. The beach is as a result popular 12 months of the year.

It is used by many sea swimmers because the water is calm and clean. Sea swimming is increasing in popularity and as it does so the number of people swimming from the beach increases. Obviously the proximity of the car park facilitates that as it is often the case with swimmers that they will pop to the beach on a regular basis for a swim.

Breakwater Beach is a particular favourite for scuba diving. There are a number of dive schools throughout the area and with some of the warmest and calmest waters in the country, this is the place to learn to scuba and get your open water certificate. Expect to see rare seagrass beds, seahorses, fish and even the odd shipwreck. The proximity of the car park to the beach means that it is easily accessible for scuba divers who need to be able to park close by to the beach so that they can more easily move their weighty gear to the waters edge.

The car park is used by families who take children down to the beach to swim picnic and play. Again it is the proximity of the car park and slope down from it to the beach that means it is fully accessible for families.

The car park is often used as an extension of the beach to facilitate community events such as the Brixham Gig Club Regattas when part of the car park is closed so that gig boats from all over the South West can be brought to the harbour area where the boats are launched and the trailers parked up while leaving space for all of the other facilities that are necessary for events to be run that draw in hundreds of people from across the south west.

These events raise considerable funds for the Gig Club which is based within the boundary of the Car Park. The club is open to all ages and offers recreational and sporting opportunities for the local community.

The sea cadets are likewise based adjoining the car park and use the area for recreational and sports facilities.

In addition the close proximity to the beach allows users who have limited physical mobility to enjoy the views of the beach and the far-reaching views of the bay from their vehicles. For some this is their only chance to get close to the beach. This is the only accessible beach in Brixham

Having the Breakwater car park next to the beach offers several advantages that add to the wellbeing of local people and helps to create the opportunity for sports and recreational uses that full accord with the aims of the ACV legislation. Firstly, it provides convenient access for beachgoers, making it easier for people to travel to and from the beach without having to walk long distances or carry heavy bags and equipment. This can make the beach more accessible to a wider range of visitors, including families with young children or elderly individuals.

Furthermore, the Breakwater car park enhances the overall visitor experience by providing public facilities such as the toilet block and peoples cars are often used as changing facilities since they are so close. This contributes to the comfort and convenience of beachgoers, encouraging them to spend more time at the beach and enjoy their visit and relax and hopefully return to Brixham thereby enhancing the economy of the Town.

From a safety perspective, having a designated car park next to the beach can help ensure that emergency vehicles have clear access to the area in case of any incidents or medical emergencies. Access to the life boat station is obviously an essential for these purposes since the life boat is moored just off the Breakwater Hard which adjoins the Breakwater car park and is accessed through it.

Moreover, a this strategically located car park next to Breakwater beach is an economic asset for the local community. It can attract visitors to the area, supporting local businesses such as restaurants, shops, and recreational activities. The convenience of having a nearby car park may also encourage tourists to spend more time and money in the area, benefiting the local economy, their welfare, wellbeing and health.

In summary, the advantages of a car park next to a beach include improved accessibility, reduced traffic congestion, enhanced visitor experience, safety benefits, and economic advantages for the surrounding area. Proper planning and management of the car park are essential to maximize these benefits and ensure that it complements the natural beauty of the beach environment.

Over what period is this main use of the asset anticipated to continue?

999 years.

Does the local community have legal and authorised use of the land or property?

Yes subject to complying with the parking rules and restrictions.

If the main use of the asset does not currently further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past? *(Please provide details of how the asset was used in the past and dates of this usage)*

The use is current.

Can you demonstrate / how do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?	N/A
When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?	N/A

Section 3. Supporting Information for your Nomination

3a. Please provide any further information to support your nomination

Declaration

I confirm that I am authorised to submit this nomination form on behalf of the applicant organisation and that all of the information given or referred to in this form is true, accurate, and complete and that all relevant information has been submitted.

Name:



Signature:

A handwritten signature in blue ink.

Date:

20th March 2024

Please return to Legal Section, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR or ACVLegal@torbay.gov.uk
Tel: 01803 207157

*We will acknowledge receipt of your nomination and will check through your form and let you know if any information is missing or if any further information is required.
If all the requested information is provided, we will accept the form. We have 8 weeks from formally accepting the form to determine whether the asset you have nominated should be placed on the List of Assets of Community Value.*