

Proposed disposal of surplus assets

Results from consultation

Asset Ref	Asset name	Members	Service Areas	L.A.F	Other
EM2670	Land adj. to no. 4 Berry Head Road	<p>We are writing to request that you do not place Jubilee Gardens, land adjacent to 4 Berry Head Road on the Disposal of Assets Lists for the following reasons:-</p> <ol style="list-style-type: none"> 1) It is a Green Space much loved and used by both the local community and visitors alike. 2) It is used by Green Tourists walking the South West Coastal Path for rest and recreation. 3) It is a safe area being surrounded by ancient rock walls in a sheltered position. 4) It is an amazing vantage point for both residents and visitors, to appreciate the views and vistas. 5) It has been identified as a Local Green Space by the community to be included in the Brixham Peninsula Neighbourhood Plan. This Plan starts a six week public consultation period on the 28th January 2017 <p>In support of our above submission, we would like to draw your attention to the following.</p> <p><u>Corporate Plan</u> Delivering for the Future - Ensuring Torbay</p>	<p><u>Natural Environment</u></p> <p>We can confirm that the site is suitable for disposal and have not raised any objections to this. They are surplus to our requirements.</p> <p>I think the Jubilee Garden site would benefit from disposal, as it has little public value on the wider neighbourhood and very little use. The capital investment from the disposal through the planning system would benefit the surrounding more valuable open spaces such as Shoalstone Pool and associated picnic area.</p> <p>We are aware of covenants on the site but assume this can be negated? A high value public space similar to Shoalstone, breakwater and the South West Coast Path but the surrounding site could benefit from investment in accordance with</p>	<p>Could you please advise if the first piece of land is that commonly known as Jubilee Gardens? If so, as it is part of the Coastal Path, surely there is a public footpath that needs to be protected.</p> <hr/> <p>I share the concern of Margaret Forbes Hamilton (above) re the public footpath status of the Jubilee Gardens, and note that there has been a well supported local campaign against any sell of Jubilee Gardens . If the coast path status is correct then presumably the South West Coast Path Association , and Natural England (who are planning to adopt the SW coast path as part of their England Coast path route), should be aware of any plans for disposal . I attended a detailed briefing meeting by</p>	<p><u>Brixham Town Council</u> We have been made aware through our ward councillors of two locations in Brixham that have been proposed for dispersal by Torbay Council at the PDDG on the 6th February 2017.</p> <p>Brixham Town Council makes the following objection and requests that Brixham Town Council are notified of ALL Brixham assets prior to being added to the dispersal list.</p> <p>That the Mayor does not place the proposed assets located at North Boundary Road play park and Land adj. No.4 Berry Head Road (Jubilee Gardens) on the Asset dispersal list for the following reasons:</p> <p><u>Jubilee Gardens (Land adj. No.4 Berry Head Road).</u> These gardens have been designated in the emerging neighbourhood plan as a green space. The Brixham Peninsular Neighbourhood Forum (BPNF) have worked tirelessly for the past 7 years to protect our green spaces, highlighting the important</p>

		<p>remains an attractive and safe place to live, visit and work.</p> <p>Target Action 3 - Promoting Healthy Lifestyles across Torbay Paragraph 3. "We will improve accessibility to Leisure, sports, and GREEN SPACES and promote increased physical activity through the use of Council Assets and the Natural Environment."</p> <p>Our comment - We believe the current proposal is contrary to the above Target.</p> <p>Target Action 4 Safe Attractive Place to live and visit - Where we aim to be : Torbay Council will ensure there is focus on PROTECTING and RETAINING the Quality of our Natural and built Environment. Maintaining a safe and secure place for Torbay's residents, businesses and visitors, including the provision and maintenance of infrastructure (including Marine, Road, Rail, Walking and GREEN SPACES)</p> <p>Our Comment - We believe the current proposal is contrary to the above Target.</p> <p><u>Torbay Local Plan</u> The adopted plan for Torbay has stressed the importance of the Natural Environment for the Economy and for the Health and Wellbeing of its residents. 1.1.7 Crucially the Plan recognises the unique quality of the Bays environment</p>	<p>Policy R5.</p> <p>A number of arboricultural constraints arise, principally from the large, recently pollarded Holm Oak, however a number of other visually prominent trees are also present along the boundary to the road. The seaward side of the land is clear of other of tree constraints other than a small hedge. A professionally prepared BS5837:2012 methodology would be required to indicate tree quality and to support any development of the space prior to any commencement of sale or transfer.</p>	<p>Natural England on the proposed England Coast Path and there was no mention of any issue relating to sale of land in the Brixham area that might affect the coast path route. Alan Robinson, Footpath officer, South Devon Ramblers.</p>	<p>link between health and green spaces.</p> <p>If Torbay Council proceed to sell our green spaces it will not only nullify the work and importance of the Neighbourhood plan but have a detrimental effect on the residents and visitors to Brixham.</p> <p>Jubilee Gardens is protected under the covenants listed below:</p> <ol style="list-style-type: none"> 1) All mineral rights under the foreshore are reserved to the Duchy of Cornwall 2) The land to be preserved as an open space. 3) No building to be erected on the land. 4) During the vendors occupation of her residence,("Wolborough"), the Council will maintain the land in good condition, and will not give right of access to the public. (This covenant released June 1984, vendor ceased occupation of "Wolborough".) <p>These sites are valued by the community of Brixham and should be retained for the benefits of the community. It is also disappointing that Torbay Council did not see fit to include Brixham Town Council as part of the notification process.</p>
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	<p>both Natural and Built.</p> <p>1.1.8 Indicates concerns over the risks of eroding the balance of the Environmental Capacity.</p> <p>We refer you to Policy SS8 Natural Environment and SS9 Green Infrastructure : this particularly comments on the pressure on the Berry Head area including the South Hams SAC and therefore any GREEN SPACES in close proximity will assist in removing some of this pressure.</p> <p>There are many more Policies and Statements relating to the Natural Environment contained within Torbay's Local Plan which we are happy to discuss with you if you wish.</p> <p>3.1.5 Sustainable Communities and Places- where people want to be, include OPEN SPACES, PARKS, VIEWS etc.</p> <p>Our Comment - We believe that the current proposal is contrary to the adopted Local Plan.</p> <p><u>Brixham Urban Landscape Character Study June 2011</u> (a document included in the Local Plan) states:- Page 84 Objectives 6) Local People and Visitors should be made more aware of the Natural and Cultural Heritage of the Area and encouraged to take pride in the local environment.</p>			<p>Brixham Town Council is an elected corporate body which is here to represent the residents of Brixham. Torbay Council should be notifying BTC of important aspects such as this if only out of common decency and recognition of its work and status.</p> <hr/> <p>As a member of Brixham Town Council & Pride in Brixham I try to work hard to make Brixham a better & pleasant place for people to live. I have done my best to support you in your ideas i.e. the Brixham railway link and to bring in & support events in the bay as a whole.</p> <p>May I ask you to please consider carefully the disposal of the two open spaces in Brixham? Negotiations between Torbay Council and Brixham Town Council have been ongoing for some time now in connection with the land at North Boundary Rd. The Town Council wanted to retain the land as open space allowing it to still be an access point to the old tracks and turn it into a Community Orchard by planting fruit trees etc.</p> <p>The land along Berry Head Rd is used all the time in the summer by families having a picnic or just sat reading / enjoying the view in what</p>
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		<p>been designated as a Local Green Space in the Neighbourhood Plan and we believe fully meets the criteria. This would severely restrict what would be allowed on that piece of land. The Plan is out for consultation this month and when our referendum is held I cannot think of one person who will not agree that this area is unique and cannot be replaced.</p>			
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