

Record of Decisions

Covenant Protecting Paignton Green Against Development

Decision Taker

Mayor on 25 September 2012

Decision

That the Council enters into a deed covenanting with the residents of Paignton as follows:-

“Torbay Council covenants with all inhabitants of the wards of Blatchcombe, Clifton with Maidenway, Goodrington with Roselands, Preston and Roundham with Hyde (“the Paignton Wards”) that for a period of 100 years beginning on the date of this deed it will not on the land shown edged red on the plan attached erect or permit the erection of any permanent structure without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of councillors for any of the Paignton Wards and are registered as local government electors at an address within the Paignton Wards. For the purposes of this covenant ‘permanent structure’ shall mean any structure intended to remain on the land for a period greater than 6 months in any period of 12 consecutive months. This covenant shall not apply to the installation, construction or renewal (whether by statutory undertakers or otherwise) of any media for the supply or removal, electricity, gas, water, sewage, energy, telecommunications, data and all other services and utilities and all structures, machinery and equipment ancillary to those media.”

Reason for the Decision

The Council could have voluntarily registered Paignton Green as a town or village green, but such registration would bring into question some of the present uses as they are not consistent with lawful uses of a town or village green. By entering into the deed of covenant with the residents of the present Paignton Wards, the Council will be unable to carry out substantial development of the green without first obtaining the consent of the majority of those residents taking part in a referendum on the proposals.

Implementation

This decision will come into force and may be implemented on 10 October 2012 unless call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The Council is the landowner of Paignton Green and to enter into a covenant would benefit the residents of all the Paignton wards as it will not permit any permanent structure on the land for the next 100 years without first obtaining the majority of votes in a referendum of the residents.

An application was made in 2010 to register the undeveloped portions of Paignton North, Middle and South Green as town or village green (‘the Application Land’) which was refused on the basis that it failed as a matter of law. However, members across all political groups considered that Paignton Green should be protected for future generations to continue using the green for the uses it is currently put to and similar uses.

Alternative Options considered and rejected at the time of the decision

Alternative options were set out in the submitted report.

Is this a Key Decision?

Yes – Reference Number: I008659

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

2 October 2012

Signed: _____
Mayor of Torbay

Date: 2 October 2012