



TORBAY LOCAL ACCESS FORUM

For the attention of:

27th March 2008

The Mayor of Torbay and the Chief Executive

It has come to the notice of the Torbay Local Access Forum that Torbay Council's Asset Rationalisation project team has identified, with Cabinet and relevant Service Heads, 43 assets which might be suitable for disposal or rationalisation through other uses.

Members of the Torbay Local Access Forum attended a briefing for Community Partnerships, over the potential disposal of these 43 assets, at Oldway Mansion given by Mr. Steve Parrock on the evening of 6th March 2008. Mr. Parrock advised the meeting of those plots which are open to public access: at least 30, possibly several more. He described the plots as all being `unsustainable` i.e. in the Council's terms, meaning there not being sufficient income to maintain the individual Assets.

Torbay Local Access Forum believe that Torbay Council has, in this instance, omitted to consult with the Local Access Forum - **and we believe that the Torbay LAF should have been consulted** - because the proposed disposal or rationalisation is of land with open public access, and the Forum was established under the CROW Act 2000 **specifically** to improve public access and open-air recreation for the benefit of all. The Forum therefore acts in an advisory capacity with that regard. The disposal or rationalisation of some of these 43 assets may have an impact on aspects of Torbay Council's Local Development Framework, and the Local Access Forum should be consulted on matters which effect public access in the spirit of the LDF's `Statement of Community Involvement`.

Members of the Torbay Local Access Forum were most surprised not to have been advised of this proposal, nor consulted by the relevant Service Heads.

Mindful of the following:

1. Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

2. *Assessing Needs and Opportunities: A Companion Guide to PPG17*
3. Torbay Council's *Greenspace Strategy* [LDF] including Town Plan consultation procedures
4. Natural England's Report - recommendations: balanced greenspace planning, including the use of the **ANGSt** [Accessible Natural Greenspace Standards] model which says that: "no person should live more than 300m from their nearest area of natural greenspace of at least 2 ha in size".
5. Natural England's Performance report 06/07 re Green Infrastructure.
6. Natural England's Policy on Housing Growth and Green Infrastructure - approved by the NE Board on 13 Feb 2008.

7. Safeguarding the existing Footpath System and the RoWIP.

In recent years, it has come to our notice that some footpaths have been lost as a result of planning consent [e.g. Landscope, Brixham + also RoW TQ/86 were initially approved for closure]. Bearing in mind the LAF's commitment to retaining and improving the footpath network within Torbay under the RoW Improvement Plan, it is vital that prior to any disposal of land the question, existing land usage is closely examined, obviating any further loss of footpaths. Usage could include any short cuts across land that have been used habitually over many years. The exercise would also provide an opportunity to examine the possibility of 'filling in' any missing links in our footpath system. Unless this exercise is carried out thoroughly, access could be lost forever once land is disposed of.

- Torbay Local Access Forum therefore, having held a special meeting in public on 27th March 2008 at Oldway Mansion, hereby formally gives the following Advice to Torbay Council:

(1) That the Chief Executive ensures that the relevant departments are aware of the existence of the Local Access Forum, its remit, and when to consult.

(2) That Torbay Council carries out an Assessment on the impact of the proposal on the Green Infrastructure re the loss of these plots of land, and the consequences - mindful of the 7 references above

(3) That Torbay Council recognises its Greenspace to include `other incidental space` - and values this as a public amenity, which if properly maintained improves social cohesion, and that its loss will have a negative effect which capital receipts cannot compensate for.

(4) That Torbay Council recognises that the loss by development of these Greenspaces will reduce the overall urban water soakaways and locally restrict the ability of the urban area to respond to the challenges of climate change. For example, urban green spaces have a cooling effect on the surrounding built up environment. Their loss will also have impacts on the local ecosystem and biodiversity. In both these regards the Council should consider its statutory responsibilities for fostering sustainable development and having regard for biodiversity. Furthermore, that Torbay Council convenes [or if the Council has allowed it to lapse], to re-convene, the Torbay Environment Forum - which should have been a consultee for this proposal.

(5) That Torbay Council acknowledges that growing medical evidence shows that access to the natural environment improves health and wellbeing, prevents disease and helps people recover from illness. The health benefits of exercise and recreation as these points are high on the Government agenda. Experiencing nature in the outdoors can help tackle childhood obesity, coronary heart disease, stress and mental health problems. Open spaces are a vital to a healthy environment.

(6) That the decision to sell is not solely based on realising, as a one-off, financial resources.

(7) That Torbay Council releases information on other assets [believed to number 57, or more] which are being considered for disposal or rationalisation, together with details of other assets - not included in the 43 listed - which have already been agreed to be sold.

Torbay Local Access Forum invites Torbay Council to respond to the Advice given herewith.

John Gibson Chairman - Torbay Local Access Forum

Contact: torbaylaf@torbay.gov.uk

Torbay Local Access Forum is a local access forum under the Countryside and Rights of Way Act (CROW), section 94. Its role is to 'advise as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area' and has a statutory function to give advice to councils within its area, and specifically to Torbay Council. The Council is required, in accordance with section 94(5) of the CROW Act, to have regard to relevant advice from this forum in carrying out its functions.