

Record of Decisions

Covenant Protecting Babbacombe Downs Against Development

Decision Taker

Mayor on Thursday, 17 July 2014

Decision

That the Council considers entering into a deed covenanting with the residents of St Marychurch Ward as follows:-

'Torbay Council covenants with all inhabitants of the ward of St Marychurch 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 St Marychurch Ward and are registered as local government electors at an address within this Ward. For the purpose of this covenant 'permanent structure' shall mean any structure intended to remain on the land for a period greater than 3 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/or to the installation of street furniture.'

Reason for the Decision

To respond to the application for a covenant on Babbacombe Downs received by representatives of the community. By entering into the deed of covenant with the residents of the St Marychurch ward, the Council will be unable to carry out substantial development of Babbacombe Downs 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 Wednesday 30 July 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

An application has been received from representatives of the community to place a covenant on Babbacombe Downs. The covenant would require the Council to hold a referendum of residents of the ward if it wished to build a structure on any part of the land edged red on the plan (attached to the submitted report) over the next 100 years. The building would only take place if the referendum resulted in a majority voting in favour of the structure or structures. The covenant would not apply to new street furniture such as bins, benches and shelters.

The Mayor considered the recommendations of the Council made on 17 July 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

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

None

Published

22 July 2014

Signed: _____
Mayor of Torbay

Date: 22 July 2014