

Record of Decisions

De-Registration of Land at Preston Down Road, Paignton

Decision Taker

Cabinet on 15 October 2019

Decision

That the land at Preston Down Road, shown on Plan EM3172 attached at Appendix 1 to the submitted report, be de-registered as a Local Nature Reserve (LNR) as the land no longer meets the requirements to be designated as a LNR and to enable housing to be developed on the site.

Reason for the Decision

Preston Down Road was designated as a LNR at the request of TCCT in order to support it in applying for additional grant funding to improve the site. Consent to designation of Preston Down Road as a LNR was granted on the basis that there would be no financial or conservation burden on the Council and that TCCT would be responsible for its management. This situation has now changed, as from 31 March 2020 the Council will be responsible for management of the site.

The ecological surveys has evidenced that none of the species or habitats present at the site warrant its designation on ecological grounds as a LNR. The de-registration of the site is required to bring the site forward for residential development and will ensure the Council complies with the terms of the Land Release Fund grant received from the Ministry of Housing, Communities and Local Government.

Implementation

This decision will come into force and may be implemented on 28 October 2019 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

Preston Down Road was designated as part of the Ocombe Farm Local Nature Reserve (LNR) at the request of the then tenants, Torbay Coast and Countryside Trust (TCCT). At the time the Executive consented to TCCT's request on the basis that the designations would not add any additional conservation burden on the Council and the TCCT would remain entirely responsible for their management. TCCT's lease was terminated on 28 February 2019 and they currently occupy the land under a licence which expires on, or before 31 March 2020.

A suite of ecological surveys has been undertaken by the Council's advisors, Tor Ecology, whom have confirmed that in their opinion none of the habitats or species present at the site warrant categorisation as a LNR.

Alternative Options considered and rejected at the time of the decision

An alternative option would be for Preston Down Road to remain designated as a LNR. If the LNR were to remain the Council may be in breach of the terms of the LRF grant and would

struggle to achieve the National Planning Policy Framework targets putting the Council at risk of unfavourable developments on alternative sites.

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

18 October 2019

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet