

Further questions and answers received from residents regarding the new seafront play area

(Note: questions have been minimally edited for conciseness)

1. In any plan and following processes, as new information that comes to light is normally taken into account. We have provided evidence of the tarmac areas current usage and do not understand why the council refuses to consider re-siting the play area to enable the additional facility to endure? Your questionnaire only had a total of 291 opinions expressed and the play area 'won' by 10 votes (it had 104 and the water feature had 94). Given the population of Burnham this is hardly a mandate that you should be quoting?

A - The Burnham Evolution process and consultation was a fact-finding exercise to assist the council and its partners to take decisions on the enhancement of the esplanade.

The council, through its election, is mandated to take decisions, within its powers, for the benefit of the entire parish. The Burnham Evolution Plan sought to gauge opinion and not did not seek a mandate to install a play area; the consultation was not a referendum. Both the district council and the town council have statutory power to install such recreational facilities as they think fit, subject to associated procedures/law (i.e., planning).

However, the fact of the consultation and publicity around Burnham Evolution illustrates that the council was open to comments from residents. No objections were received until after key decisions were taken.

New information material to a project is considered through a process. In this instance the process for considering the installation of a play area on land currently used for recreation was resolved by the council to be complete. Officers have not received any request from any ward councillors to ask the council to revisit the project.

2. Can you answer specifically why you are unwilling to consider the views of ward residents whom, via the petition, have clearly reinforced their support for the play area but at an alternative location?

A – The council is content that it sought the views of residents in 2018, with the slow progress of the project made public since that point. The council had not received any objections to the siting of the play area until after it took decisions to accept grant funding and to install it. The completed 2018 binding and time sensitive application to the CIM fund relied on the Burnham Evolution public document, which identified the precise site for the play area.

3. Can you confirm that your team views that the placement of the play area on the South Lawns is consistent with the objectives of the Burnham Evolution Plan? So it is not a compliance issue - it appears that you are just unwilling to adjust and alter your plans. Please advise?

A – The site was explicitly identified in the Burnham Evolution Plan and the council, by resolutions, has decided to proceed. The role of the officer team is to carry out the lawful instruction of the council.

Burnham Evolution Business Plan

Figure 9: Zone 1: Location of South Esplanade Projects



4. Can you comment on the recent case in Bournemouth where planned council action was challenged by the most local residents who won the argument that their views had not been properly considered by the council? Are you satisfied with your due diligence given the facts and figures because 20,000 plus residents v 291 clearly shows a lack of engagement?

A - I cannot comment on a case in Bournemouth other than to say that each case must be taken on its particular facts.

The land in question is not owned by the town council. Any planning considerations are for the local planning authority, which has identified the play area as permitted development.

As detailed in the response: <https://burnham-highbridge-tc.gov.uk/wp-content/uploads/2021/01/Q-A-on-the-play-area-to-be-installed-on-the-south-esplanade.pdf>

With regards the position on public engagement, please refer you to previous responses on the matter, including the response to your question 1, above.

6. Can you confirm that as yet no contract has been placed as the planning authority has not yet given its approval? If the contract is placed can you explain what happens if planning approval is not given or if an injunction is agreed and the proposed plans are formally suspended?

A – The contract process is subject to final discussion on dates. Once this is complete, unless there is lawful reason not to, I am bound to issue the contract in accordance with the instructions of the council.

The planning authority has determined that the installation is permitted development. If a party has not complied with law and an injunction is granted against the installation, the consequences will be dependent on the court order.

8. We raised the RISK of police complaints regarding parents of young children reporting residents for using telescopes and binoculars to view the seafront wildlife. Can you confirm that this RISK has been considered and reported to the police for their comment?

A – I addressed this matter in my response to you on 11th September 2020, as below;

The matter of residents using telescopes and binoculars to enjoy the sea views is not something the council can control or advise on. I will keep your email on record and available if required, but ultimately if a complaint is made that residents are watching the children in the play area, it will be up to the police to ascertain on the particular facts whether there is any substance to the allegations and my record is unlikely to materially affect

that. If this innocent activity is already enjoyed and there have been no complaints by the families and young people already using the area, then I would hope there is no clear reason for residents to worry that an issue might arise. If you would like to put the Police on notice of this potential issue, then the neighbourhood PCSOs might be best placed to advise you and the residents on this matter. You can contact the local Police team here: <https://www.avonandsomerset.police.uk/your-area/burnham-and-highbridge/>

9. We raised the RISK of the play area being misused in the evenings by older teenagers - we already witness drinking and other activities and see the mess most mornings of 'things being left behind'. Surely the council understands the RISK being presented here? We again ask for comment as to what mitigation is being considered? Perhaps the addition of cameras similar to those used near to the car park could be installed as a deterrent? What budget is there to make repairs caused by vandalism? Both items 8 and 9 being raised here are not issues and problems with proposed re-siting onto the South Lawns.

A – The council will consider if it might assist with the issues currently experienced by residents relating the existing and future use of the area in question.

The design does not include any large or enclosed items of play equipment or seating to provide a gathering place for older teenagers.

The installer will supply robust equipment designed to withstand damage. The council will work with the police to address issues as they arise.

The council budgets annually for its needs and repairs to the play area will be factored in as required.

10. Can you comment on the plans for the Trim Trail as I understand the procurement process has considered only the play area at this stage? Why is the trim trail not at the same maturity in terms of procurement?

A – The revised trim trail elements are at the same stage and are being addressed within the plans for the play area.

11. Can you comment on the issues we have raised regarding removal of a much used facility from its current users - people learning to ride bikes safely away from walkers, skateboarders, radio controlled car users, etc. These users are being ignored by this action and that seems inconsistent with the Burnham Evolution Plan?

A – As explained above, the site of the play area is explicitly identified in the Burnham Evolution Plan. No objections or comments were received during the Burnham Evolution process to demonstrate that those who currently use the area object to its change.

