

Torpoint Town Council

From: Catriona Smith <Catriona.Smith@cornwall.gov.uk>
Sent: 09 March 2026 18:47
To: admin@torpointtowncouncil.gov.uk
Cc: Catherine Thomson; Sadik Miah
Subject: Disposal of Cornwall Council land and town/parish council notifications

Information Classification: CONTROLLED

Dear Millie

I write further to your recent email to Sadik regarding the above, and in particular your request that in future all potential disposals are notified to Torpoint Town Council.

You may remember that a couple of years ago I did a presentation in Bodmin to town/parish council representatives which set out Cornwall Council's approach to disposals. As I set out then, Cornwall Council aims to notify the local town/parish council of a possibility of property being released, and will normally offer a 2 month period for the town/parish council to consider and notify us of any interest in the site. There are, however, some circumstances in which we consider that notification is not necessary and would prevent Cornwall Council progressing with disposal activity as efficiently as possible.

I attach an extract below from the Terms of Reference of our officer Asset Management Group(which reviews and considers all assets being proposed for release prior to town/parish councils being notified) which explains the rationale:

Town/Parish Council Consultation

Town/Parish Councils will be advised where Cornwall Council intends to release an asset before it is offered to the open market. Notification will be limited to potential freehold disposals only and officers will not advise a Town/Parish council of a potential asset release where it is reasonable to conclude that the Town/Parish council could not make use of the asset; for example, where a site is landlocked, due to adverse possession and/or a 1-1 transaction is the only realistic option for disposal.

Town/Parish Councils will not be consulted where a Cornwall Council service identifies a requirement for an asset to be retained by Cornwall Council, or where a 'targeted disposal' approach is adopted to support the delivery of Cornwall Council strategic objectives.

This has also been reiterated at annual training sessions on the Asset Release process for Cornwall Council divisional members (last delivered In November) – unfortunately the most recent set of slides don't set out the exceptions in detail, but you'll note from the screenshot of the slide below that the last bullet point references this issue and was expanded upon verbally in the presentation:

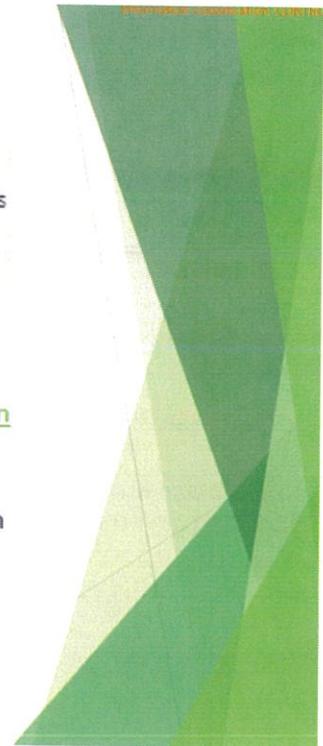
Asset Release Process

05.

TOWN & PARISH COUNCIL CONSULTATION

Where appropriate, Property Services will advise town/parish councils that an asset is likely to be declared surplus to Cornwall Council requirements.

- ▶ Internal requirements are assessed prior to engaging with town/parish councils.
- ▶ The Asset Management Group (AMG) administrator will send a [notification email](#) to the town/parish council
- ▶ The purpose of the notification is to ensure town/parish councils are aware of the potential for an asset to be released at an early stage in the process.
- ▶ The email provides an opportunity for town/parish councils to advise us if they have an interest in acquiring the asset.
- ▶ Occasions where we do not notify town/parish councils



I am aware that a S123 notice was recently published and concern raised as to why the Town Council had not been made aware of Cornwall Council's intention to dispose prior. A number of the sites included in the S123 notice fit into the category of 'adverse possession' or '1 realistic purchaser' scenarios which is why Torpoint Town Council was not notified regarding these potential disposals. However, Cornwall Council has a legal duty to comply with the requirements of S123 to publicise an intention to dispose where the land in question is considered public open space. A S123 notice would need to be issued whether Cornwall Council is selling a site on the open market, or devolving to a town/parish council. Given that every notice has a minimum cost, it is more cost-effective for Cornwall Council to 'batch' notices where we are disposing of a number of sites in the same town as this keeps cost to a minimum. On rare occasions this may mean that a S123 notice may be published in advance of notification to the relevant town/parish council but this purely enables Cornwall Council to have cleared all necessary legal and governance hurdles to enable disposal (in whatever form this takes) to proceed and does not mean that Cornwall Council is seeking to avoid consulting the town/parish council.

You may appreciate that there are a significant number of assets within the Council's asset release process, and the circumstances where Cornwall Council has determined that it will not notify the town/parish council are very limited. A bespoke approach of notifying Torpoint Town Council with regards to all potential disposal sites would be challenging for Cornwall Council to implement and would possibly leave the town council in a position where it is receiving a number of notifications of sites that realistically would be of no benefit/interest. This will mean that we are unable to progress some disposals as efficiently as we would like to be able to. I would be grateful if you could consider the above information and confirm whether it remains Torpoint Town Council's view that it requires to be notified with regards to all potential disposal sites.

Kind regards

Catriona Smith MA MRICS | Principal Surveyor (Disposal Lead)

Cornwall Council | Economy, Regeneration and Assets

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