



Uttlesford District Council

Chief Executive: Dawn French

Assets of Community Value Sub-Committee

Date: Thursday, 14th December, 2017

Time: 5.00 pm

Venue: Chairman's Office - Council Offices, London Road, Saffron Walden,
Essex CB11 4ER

Chairman: To be elected

Members: Councillors S Barker, V Ranger and H Rolfe

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

AGENDA PART 1

Open to Public and Press

1 Election of Chairman

To elect a chairman of the Assets of Community Value Sub-Committee.

2 Apologies for Absence and Declarations of Interest

To receive apologies for absence and declarations of interest.

3 Nomination of Chalky Meadow (land east of The Mead), Thaxted to be listed as an Asset of Community Value

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To consider the nomination of Chalky Meadow (land east of The Mead), Thaxted to be listed as an Asset of Community Value.

4 Nomination of Hop Poles, Great Hallingbury to be listed as an Asset of Community Value 49 - 66

To consider the nomination of Hop Poles, Great Hallingbury to be listed as an Asset of Community Value.

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Committee:	Assets of Community Value Sub-Committee	Date:	14 December 2017
Title:	Nomination of Chalky Meadow (Land east of The Mead) Thaxted as an asset of community value		
Portfolio Holder:	Cllr Susan Barker		
Report Author	Sarah Nicholas, Senior Planning Officer, 01799 510454	Key decision:	No

Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. An Asset is of community value if (in the opinion of the local authority) either:
 - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.or
 - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests of the local community, and
 - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. Thaxted Parish Council has nominated land east of The Mead (known locally as Chalky Meadow) as an asset of community value. The nomination was first considered by Cabinet on 30 November 2017 but it was decided to defer the decision to allow further consideration of the evidence of whether the nomination should be accepted.
6. The purpose of this report is to enable members to determine:
 - a) Whether this is a valid nomination

- b) Whether the use of the building (current or recent past) furthers the social welling or interests of the community.
- c) Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.

In considering these questions, members need to consider principal, rather than ancillary, uses of the building.

- 7. If members conclude that the answers to all these questions are “yes”, the building must be included in the list of assets of community value. If the answer to any question is “no”, the building cannot be listed as an asset of community value.

Recommendations

- 8. That members determine whether to list land known as ‘Chalky Meadow’ (land east of The Mead), Thaxted as an asset of community value, having considered the statutory criteria.

Financial Implications

- 9. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
- 10. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council’s budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

Background Papers

- 11. There are no background papers to this report. The nomination and representations made on behalf of the owner and others are published with this report.

Impact

- 12.

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable
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	steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	Thaxted and the Eastons
Workforce/Workplace	No impact

Situation

a. Is this a valid nomination?

13. Nomination for listing as an asset of community value may only be made by a parish council or by a qualifying community body. In both cases, the nominating body must have a local connection.

14. The nomination has been made by the Parish Council and the nominated property is within its area.

15. A valid nomination must also include:

- A description of the nominated land including its proposed boundaries.
- Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.

The nomination submitted by the Parish Council includes this information.

16. The nomination is therefore valid and the Council is under a duty to decide whether or not it qualifies to be listed.

b. Is there an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, or is there a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests of the local community?

17. The Parish Council's nomination form, representations by members of the public and by the owner are published with this report and members should study them carefully. However, there are some points that members should bear carefully in mind:

- A number of the points made in support of the nomination are aspirational, in that they appear to offer support for the creation of an asset. Future possibilities may be relevant in considering whether it is realistic to think that a qualifying use will continue. However, in order to be eligible for listing, there needs to be a current qualifying use, or a qualifying use in the recent past. Future possibilities are not, in themselves, enough.
- A qualifying use needs to further the social wellbeing or social interests of the local community. There is a lot of evidence of biodiversity on the land but this, in itself, is not a use that will further the social wellbeing or social interests of the local community. However, use as a local amenity for taking the air, recreation, dog walking etc. may, depending on the facts, amount to a qualifying use. The nature of the flora and fauna may potentially enhance the social wellbeing or social interests of local residents engaging in such a use by making it a more pleasurable or educational experience.
- There is apprehension, in some of the representations, about the prospect of future development. The legislation is about preserving community assets and not about preventing development, although status as an asset of community value may be a material planning consideration. Members should focus on the statutory tests, and not on wider concerns about development, which would be addressed through the planning system.
- Essex Wildlife Trust wrote to say that it *"would very much support the local community in Thaxted in their wish to create a 'nature reserve' to protect the land off Guelphs Lane, Thaxted."* The purpose of the ACV legislation is not to create nature reserves or to protect land.

18. There is mixed evidence about current use of the land. Cllr John Freeman states:

"This site has been used by many residents over the last 25 years for dog walking and general recreation."

Mr Cockerell states:

"The land is currently freely available to the local residents to do with as they want and has the explicit permission of Essex County Council to do so."

On the other hand, the "bioblitz" which is incorporated into the nomination focuses on biodiversity rather than current or recent qualifying uses and there is no further

information in the nomination about actual or recent uses that further the social wellbeing or social interests of the local community. The document submitted by Helen Payne in support of the nomination suggests a reduction in community use:

“Up until recently, (approximately 5 years ago when the Mill View development on the end of Wedow Rd began), the site was frequently used by walkers, children and nature enthusiasts. The building development effectively cut off the through way that was being used and rendered it relatively inaccessible.”

However, this might be taken as evidence of a qualifying use “in the recent past”. The Department for Communities and Local Government has offered this general guidance:

“With regard to ‘recent past’, our current view is that we will leave it to the local authority to decide, since ‘recent’ might be viewed differently in different circumstances. For example, ‘recent’ might be taken as a longer period for instance for land which was formerly used by the public until the MoD took it over for live ammunition practice, than for a derelict building. Ten or even twenty years might be considered recent for the former but not for the latter.”

A common benchmark is a period of five years but this is not statutory and members have discretion, provided they exercise it reasonably.

Essex County Council, which owns the land, states that:

“The use of the land remains that of additional vacant land for the proposed Primary School. The land is not a public open space and there is no permissive right to use or access the land, other than along the footpath running through the land.”

19. The nature of access to the site has been raised by Essex County Council and has also been mentioned in representations. ECC maintain that there is permissive access only for use of the path through the land. The photograph of the sign submitted by Mr Cockerell does not indicate the extent of the permission and he interprets this more widely. However, the point is not important. Land is eligible for listing as an asset of community value if it meets the statutory criteria. The courts have refused to add a criterion that use must be lawful, whilst making the point that it would be difficult to establish that some unlawful uses (e.g. raves) would further the social wellbeing or social interests of the local community.

c. Is it realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community. OR

Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.

20. As the report emphasises, these questions only fall to be considered if members are satisfied that there is a current or recent qualifying use.

21. In this context, “realistic” means “more than fanciful”. There does not need to be evidence of a business plan, or detailed proposals for maintaining a use that

meets the criteria. But suggestions for future community use need to be more than nebulous. There should, at least, be evidence of an appetite amongst the local community for a proposed future community use.

22. Representations for the local community, supported by Essex Wildlife Trust, suggest that there is significant appetite to develop the land as a wildlife site or nature reserve. The “bioblitz” report speaks of establishing “a working group to identify clear aims and actions that will protect and enhance the site for both wildlife and community engagement.
23. Essex County Council purchased the site for the development of a school. However, in its representations, it has not indicated that work to build a school is scheduled for the near future. Plans for educational provision are subject to change and, if they did, it is not fanciful to think that a County Council might be sympathetic to the aspirations set out in the nomination and representations.

Conclusions

24. The report sets out the three key questions that members need to ask. Of these, officers suggest that the less challenging are those regarding the validity of the nomination and future use. The evidence of a current or recent qualifying use is less clear and members should consider this aspect very carefully.

Risk Analysis

25.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	The owner has rights of internal review and appeal and can claim for compensation. The nominating body does not have rights of review or appeal. If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

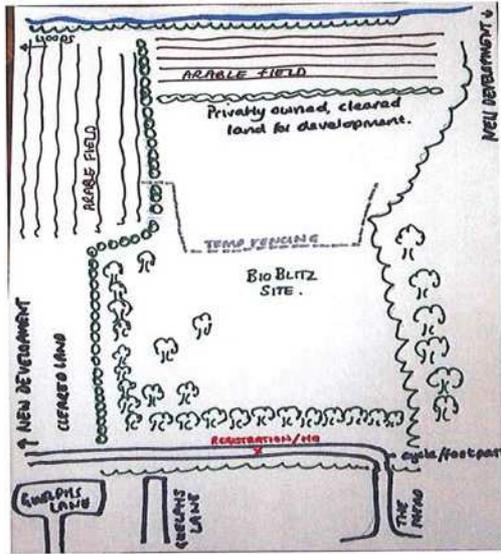
Q1 Name and address of your organisation	
Organisation name:	Thaxted Parish Council
Address and postcode:	Thaxted Parish Council Community Information Centre 7 Town Street Thaxted CM7 2NE
Registration number (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are	
Category	Tick ✓
Parish/Town Council	✓
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	
Industrial & Provident Society which does not distribute any surplus it makes to its members	
Company Limited by Guarantee which does not distribute any surplus it makes to its members	
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
Charity	

Q3 Who should we contact to discuss this nomination?	
Name:	Dena Ludford
Address and postcode:	Thaxted Parish Council Community Information Centre 7 Town Street Thaxted CM7 2NE

Q3 Who should we contact to discuss this nomination?	
Telephone number	01371 831952
Email address	clerk@thaxted.co.uk

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?	
Name of property:	Chalky Meadows
Address and postcode:	 <p>1.3 Where is the meadow? The meadow is tucked away. It is located behind Guelphslane and The Mead.</p>  <p>This hand drawn map shows the location (but not to scale!)</p>
Name of property owner	Essex County Council

Q4 Which asset do you wish to nominate?	
Address and postcode:	Thaxted (Behind Guelphs lane and the Mead)
Telephone number	
Email address (if known)	
Current occupier's name (if different from property owner)	Open Space
Details of occupier's interest in property	unknown

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5a Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

Please see the attached BioBlitz created by Helen Payne et al. b (Full report is attached separately)

Wild Thaxted Bioblitz
August 2016

Chalky Meadow behind Guelphslane and The
Mead.



Report compiled by Helen Payne.

Q5b How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community. Continue on a separate sheet if necessary.



This is taken from a current ordainments survey map and clearly identifies the area as meadow land.

Below is an extract taken from Mark Iley from the Essex wildlife trust in relation to the land.

I would recommend –

This site is surveyed and if it meets the LoWS criteria be formally designated as a LoWS with Uttlesford DC.

Thaxted PC adopt as a nature reserve – to raise the profile of the site and involve the local community and raise support

If we were successful in obtaining this for preservation of the Meadow grants for open spaces would be considered to ensure the maintenance of the land.

Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can, including an Ordnance Survey plan outlining the site.



Attachment checklist

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan

Evidence of current community use e.g. activity programmes, website links etc

Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed:

Print Name: . . .Dena Ludford.

Position in Organisation: . . Parish Clerk

Date:26/10/17

FOR OFFICE USE ONLY			
Date received:		Decision deadline:	

Wild Thaxted Bioblitz
August 2016

Chalky Meadow behind Guelphslane and The
Mead.



Report compiled by Helen Payne.

Acknowledgements.

Thank you to Andy Mcgeeny, whose inspiration and support enabled the project to happen. Richard Corby and Jo Roberts from the Wilderness Foundation for support, equipment and expertise, Thank you Simon Payne for all of your help.

About the Author.

Helen Payne is a lay person. She has lived for most of her life in Thaxted. Helen started a 'Wild Thaxted' facebook page to promote the protection of wild spaces within and around Thaxted.
(<https://www.facebook.com/wildthaxted/>)

This report intends to be a first step to facilitating protective action rather than expert analysis. We hope that by sharing this report with the people who were involved with the project and other professionals and experts we will be able to confirm the richness of the site, and next best steps to develop the potential of the meadow becoming a valuable site for both wildlife and the local community.

Executive Summary.

By completing a bioblitz on 'Chalky Meadow' we had hoped to establish just how much wildlife there was on the site. Many of us locally have felt that it is a 'valuable' site; rich in wildflowers, birds, insects and reptiles. The site has been left to its own devices for about twenty five years. We have seen the number species there grow through the years. We therefore hoped that the bioblitz would raise awareness and support for the site, as well inform us of what wildlife really does live there. This is with the end view that if the site proves to be 'diverse and valuable' enough we can work to protect it.

Of course the bioblitz is just a 'small window'. Whilst the event confirmed to us that the meadow is a rich and diverse habitat; it is also the observations and records of local residents through the seasons that can add to our record of wild life on the meadow. This report therefore shows the findings of the bioblitz of August 2016 but also notes additional sightings through the year.

One of the most exciting findings is the strength of the lizard colony we have, ***"This whole site in my opinion represents the largest colony of Common Lizards that I have ever come across..."*** (Steve Latford, August 2016, Essex Reptile and Amphibian Club.)

We have recorded up to 22 types of butterflies, numerous plants, with some such as White Bryony being indicator species for established and diverse British hedgerow growth.

Community engagement is an important aspect of the bioblitz too. One of our aims was to raise awareness of the site. We had a good level of support and attendance on the day. We were particularly pleased to see lots of children – some of whom stayed for the whole day. The event had been advertised across the town with posters, we created a Facebook presence and Essex Wildlife Trust, including the Uttlesford Local Group and the Essex Biodiversity Team passed the posters and event details about.

We had parents and children, Barn Babies (nursery group) and Girl Guides; local residents, volunteers of Essex Wildlife Trust, independent 'experts', staff from Essex Wildlife Trust and staff from Wilderness Foundation UK.

On the back of this report we hope to engage further professional / expert advice to better protect, develop and share this community asset.



1.0 Introduction

This report sets out to show:

- The findings of the bioblitz
- Examples of records and observations contributed by local residents over the last year
- Proposals to better protect the wildlife and habitat on the meadow.

1.1 Why a Bioblitz?

A BioBlitz can happen in most any geography—urban, rural, or suburban—in as large an area as a national park or small as a schoolyard. Biologists often measure the population of particular species or study an environment’s biodiversity, but a BioBlitz brings together the expertise of multiple scientists and naturalists with the power of citizens, including students, willing to take a snapshot of an area’s biodiversity in about 24 hours. <https://www.nationalgeographic.org/projects/bioblitz/education/>

We really wanted to establish what wildlife lived in this small wild and natural meadow.

One of the best qualities of a bioblitz is that it facilitates ‘experts’ and lay people to work side by side. It is an inclusive event that welcomes anyone who would like to be involved.

1.2 Who was involved.

The event was organised by Helen Payne, Richard Corby (Wilderness Foundation) and Simon Payne. Our ‘experts’ included:

- Andy Mcgeeny – Naturalist with expertise in insects and butterflies
- Tony Morton – Chair, Local Uttlesford Group, Essex Wildlife Trust
- Dr Lorna Shaw MCIEEM, Biological Records Officer, Essex Wildlife Trust
- Steve Latford – Essex Reptile and Amphibian Club
- Emma England – Essex Bat Group

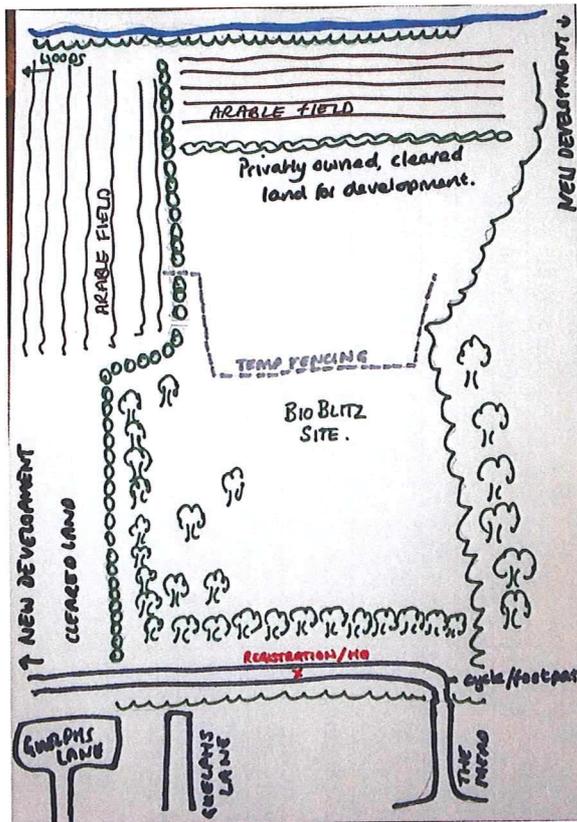
We were also very lucky to have experienced volunteers from Essex Wildlife Trust whose knowledge and support were invaluable.

In addition to our expert and just as importantly were the residents of Thaxted young and old who came along and got involved. We had tiny tots through to grandparents, Girl Guides, nursery groups, retirees, family groups and other interested individuals.

Equipment was provided by Wilderness Foundation (www.wildernessfoundation.org.uk), Ruth Ship, Thaxted Girl Guides and Helen Payne.

1.3 Where is the meadow?

The meadow is tucked away. It is located behind Guelphslane and The Mead.



This hand drawn map shows the location (but not to scale!)

We had our headquarters on the path. Equipment, drinks, identification guides and 'expert' help were all available here.



2.0 What we found.

Invertebrates	Butterflies & moths	Flowers	Trees & shrubs	Other	Mammals	Birds
Long winged conehead grasshopper	Large white butterfly	Cow parsley	Field maple	Monacha Cantina – snail	Muntjac	Goldfinch
Roesel's bush-cricket	Grass moth	Sow thistle	Bramble	Grove snail	Signs of badger activity	Wood pigeon
Horse fly	Peacock	Hogweed	Hawthorn	Cepaea remoralis - snail	Deer poo	Robin
Garden orb weaver	Cinnabar moth caterpillar	Rosebay willow	Elder	Pendulous sedge - grass	Common Pipistrelle – bat	Coal tit
Black ants	Red admiral	Horsetail	Purging buckthorn		Soprano Pipistrelle – bat	Buzzard
Red tail bumble bee	Ringlet	Ragwort	Ash	Reptiles	Noctule - bat	Sparrow hawk
Meadow grasshopper	Meadow brown	Goldenrod	Buddleia	Common lizards (est pop >1000)		
Flesh fly	Small white	Red clover	Walnut	Grass snake		
Green cossid	Comma	Agrimony	Oak			
Common cossid	Common blue	Scarlett pimpernel	Dogwood			
Common green grasshopper	Brown argus	Great willow herb	Apple			
22 spot yellow ladybird	Hedge brown gatekeeper	Perforate St Johns Wort				
Shield bug	Small skipper	Bristly oxtounge				
Picture Wing fly	Brimstone	Creeping thistle				
Hawker dragonfly	Orange tip	Hedge roundwort				
Earwig	Green veined white	Upright hedge parsley				
Honey bee	Small tortoise shell	Tufted vetch				
Harvestman	Silver Y moth	Hoary Ragwort				

Invertebrates	Butterflies & moths	Flowers	Trees & shrubs	Other	Mammals	Birds
Rove beetle		Common poppy				
Redmite		Fool's parsley				
Yellow meadow ant		Smooth hawkbeard				
		Purple toadflax				
		White bryony				
		Fox and cubs hawkweed				
		Hop trefoil				
		Spear thistle				
		Old man's beard				
		Common spotted orchid				
		Field bindweed				
		Field scabious				
		Common vetch				
		Meadow cranes bill				
		Cocksfoot				
		Wild carrot				
		Chalk knapweed				
		Pyramidal orchid				
		Timothy				
Sightings since the bioblitz – through the year (that haven't already been recorded)						
	Marbled white	Bee orchid			Brown hare	Chaffinch
	Small skipper					Greenfinch
	Essex skipper					Goldfinch
	Red Admiral					Red kite
	Speckled Wood					Linnets
	Clouded yellow					Yellohammers
	Holly Blue					House sparrow

Invertebrates	Butterflies & moths	Flowers	Trees & shrubs	Other	Mammals	Birds
	Small heath					Dunlocks
						Blackbird
						Song thrush
						Wren
						Blue tit
						Long tailed tit
						Collard dove
						Magpie
						Rook
						Carion crow
						Swallow
						Swift
						House martin
						Great spotted woodpecker
						Green woodpecker
						Chiff chaff
						Willow warbler
						Black cap
						Goldcrest
						Pheasant
						Pied wagtail
						Yellow wagtail
						Field fare
						Redwing

An additional report by Steve Latford of Essex Reptile and Amphibians Club is an appendix.

Conclusion.

These cursory findings show that the meadow is currently supporting a wide variety of wildlife; in particular lizards, butterflies, wild flowers and birds. The general opinion amongst the experts that attended the day was that the site was a good one with the potential to become a valuable and bio diverse site and is worth protecting. There was also discussion that due to the recent development that has happened surrounding the meadow it is likely that the site has become the last refuge for any wildlife that was living on the developed sites; in particular the lizards.

Next steps.

The author will circulate this report. This will then be followed with a call to the community, Essex County Council (landowner) and professionals to establish a working group to identify clear aims and actions that will protect and enhance the site for both wildlife and community engagement.

ELS
Seax House
Victoria Road South
Chelmsford
CM1 1QH

FAO: Sarah Nicholas
Senior Planning Officer
Uttlesford District Council

Our Ref: EE/BSFM/1286
Your Ref:
Date: 15 November 2017

Dear Sirs

Re: Nomination of Land at Guelph's Lane/ The Mead Thaxted as Asset of Community Value

I am instructed by Essex County Council to enter an objection to the nomination of its property for listing as an Asset of Community Value.

The grounds upon which the County Council is objecting to the nomination by Thaxted Parish Council are as follows:

1. The property in question was acquired by the County Council from Dunmow Rural District Council at open market value for future Educational use under the County Council's Education Powers
2. Since its acquisition, neither the County Council nor any other body has provided any form of services on the land that has any direct impact on the social wellbeing of the local communities.
3. The use of the land remains that of additional vacant land for proposed Primary School
4. The land is not a public open space and there is no permissive right to use or access the land, other than along the footpath running through the land
5. In deciding whether the statutory criteria for listing as provided under Section 88 of the Localism Act are satisfied, it is for the listing authority to be satisfied that the current actual use of the land furthers the social wellbeing or social interest of the local community and that the use is not ancillary and that it is realistic to think that there can continue to be use of the land which is not ancillary and which will further community benefit or if there is no current use that furthers community wellbeing as in this case, the listing authority will have to be satisfied that there was a time in the recent past when an actual use furthered community benefit which is not an ancillary use and that it is realistic

to think that there is a time in the next five years when there could be use of the land which is ancillary and which furthers community benefit

6. Clearly, the Parish Council has failed to demonstrate the existence of these important elements for listing of land as an asset of community value under Section 88 of the Localism Act 2011.
7. It is submitted therefore that the land the subject of nomination does not have any current or past use that further community well-being which is non-ancillary. The commission of a report by the Parish Council to establish what wildlife live in the land does not in any way satisfy the mandatory requirement of Section 88 of the Localism Act.
8. It is further submitted that the isolated use of the property by the Parish Council to conduct biological inventory or census is not the main use of the land and is at best ancillary and therefore does not satisfy the statutory requirements for listing
9. On the basis of the forgoing, I urge you to reject the nomination, as the mandatory requirements of Section 88 of the Localism Act 2011 on the listing of land as asset of community value have not been satisfied.
10. I look forward to hearing from you in due course,

Yours faithfully

Emmanuel Essien
Solicitor

DX 123300 Chelmsford 7

Internet: www.elslegal.org.uk
Email: emmanuel.essien@essex.gov.uk

Dear Sir/Madam

I am writing in support of the application of „Chalky Meadow „ to become an asset of community value. I understand that if it is successful in the application process, it only gives the community the option of bidding for the site should it be sold at a future date. There is of course no guarantee that the bid would be successful. Over the last 25 years I have seen it gradually transform from agricultural land to its present status. In actual fact it is home to one of the largest colonies of Common Lizards in the county (Steve Latford Essex Reptile and Amphibian club August 2016). Having recently attended a meeting in Thaxted where the guests were given a talk about the recent Wild Thaxted Bioblitz, and many other people were not surprised at the number of species identified on the site. This site has been used by many residents over the last 25 years for dog walking and general recreation, it was quite apparent that there was a diverse habitat being established, with siting's of a wide range of wildlife, and areas of wildflowers increasing. It is my view that this site and its diverse habitat must be protected for future generations of residents and visitors alike.

Community involvement in the Bioblitz was an important aspect as well .It raised public awareness to the possibility that this site may be lost under a future development of houses. There was a good degree of support from local children of all ages, Essex Wildlife Trust, Independent experts and staff from Wilderness Foundation UK.

It is, as you can see a great opportunity to save a wonderful wildlife area for the community to enjoy for years to come, and equally, an important site for wildlife to flourish.

Cllr John Freeman UDC.

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23rd November 2017

To whom it may concern

Chalky Meadow, Thaxted nature reserve

Essex Wildlife Trust would very much support the local community in Thaxted in their wish to create a 'nature reserve' to protect the land off Guelphs Lane, Thaxted.

Having visited the site previously we are aware that it is an area of unimproved flower rich grassland developed on chalky boulder clay soils.

On a visit some years ago I noted 100+ pyramidal orchid *Anacamptis pyramidalis* flower spikes (more to the south of the site) both common spotted *Dactylorhiza fuchsia* and bee orchid *Ophrys apifera* occurs on site with abundant Agrimony *Agrimonia eupatoria*, Field Scabious *Knautia arvensis*.

Common butterfly species were evident and interestingly 10+ Marbled white *Melanargia galathea* and a single Brimstone *Gonepteryx rhamni*

The key feature on the site is the flower rich grassland. To ensure continuity the site needs some sensitive scrub removal over the next two or three winters if the grassland interest is not to be lost.

There is an opportunity to improve a hedge and create connectivity to adjacent woodland.

This site is not registered as a Local Wildlife Site (LoWS). This is as designation which is recognised within planning guidance and carries a presumption against development. However it carries no legal status and does not protect the site from damage or destruction.

I would recommend this site is surveyed and if it meets the LoWS criteria be formally designated as a LoWS with Uttlesford DC.

In addition I would propose that Thaxted PC adopt the site as a nature reserve – to raise the profile of the site and involve the local community and raise support

Essex Wildlife Trust would be willing to support the Thaxted Parish Council and local residents in advising how the site is best managed for wildlife and access.

Should you have any further questions or require any help or advice please do not hesitate to contact me.

Best wishes



Mark Iley BA(Hons) MCIEEM
Biodiversity Coordinator



ESSEX
Wildlife Trust

Abbotts Hall Farm
Great Wigborough
Colchester, Essex
CO5 7RZ

Tel 01621 862960
Fax 01621 862990

E-mail
admin@essexwt.org.uk
Website
www.essexwt.org.uk

Essex Wildlife Trust
Company Registered
No 638666 England

Registered Charity
No 210065

VAT Registered
No 945 7459 77

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25/11/17.

Dear Ms Nicholas,

Reference UT/17/3253/ACU.

I write to support the above application reference, in respect of the land area known as "Chalky Meadows" off Guelphs here in Thaxted.

To have a Green Space with a good cross section of wildlife would be a wonderful Community asset. It is within easy ~~scope~~ walking distance of the local Primary School, so suitable for Wildlife field studies as a major asset.

I have lived in Thaxted for about 35 yrs and in that time the land now known as Bellrose Meadows was developed in spite of protest over a colony of lizards. This native British species under threat has also been seen on "Chalky Meadows".

Please consider this application sympathetically
Yours faithfully,
John Hedworth

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1 The Maltings
Thaxted
Dunmow
Essex
CM6 2NB

23/11/2017

re: Application for Registration of land in Thaxted known as Chalky Meadow
as a Community Asset

Dear Madam,

I write in support of the application by the Parish Council to nominate Chalky Meadow as a Community Asset.

The land is currently freely accessible to the local residents to do with as they want and has the explicit permission of Essex County Council to do so. I enclose a photograph of a sign prominently displayed at the main entrance to the area taken this morning.

To my mind this clearly shows that it is the intention of the County Council to allow the local community to use their asset, all be it with the proviso that the permission could be revoked at any time, presumably if the County wanted to use the land for the educational purpose it was acquired for many decades ago.

The site has turned itself into a considerable wildlife haven without any intervention from the owner and could be further enhanced if managed locally using the support of local volunteers and the resources of the Parish Council.

I ask that Uttlesford District Council exercise their powers to list this land as a Community Asset.

Yours faithfully

WG Cockerell



Sarah Nicholas
Senior Planning Officer
Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Doug Fry
22 Guelphs Lane
Thaxted
Essex
CM6 2PT

UTT/17/3253/ACV To Nominate property as Asset of Community, Thaxted, Essex

Dear Ms. Nicholas,

I have recently been made aware of the above planning application for land change of use. I live in Guelph's Lane, Thaxted, a road adjacent to 'Chalky Meadow', and have an interest in its future.

I campaigned against development of 'Weddow Road II' on a similar field adjacent to the one in question. Nevertheless planning permission was granted and that wonderful place is now houses. 'Chalky Meadow' is now surrounded by such houses and is the last oasis of wild meadow in the area.

I'd like to see it saved from development through this change of use so that:

- 1) It can be enjoyed by all those who now live in the surrounding houses
- 2) Wildlife still have a place to thrive
- 3) Land which I'm told was originally purchased by the council as a site for the eventual primary school expansion might still be enjoyed by generations of Thaxted juniors through using the field for nature studies and other field work

Land such as this is a diminishing resource and we need to preserve anything that has such a huge biodiversity value.

Developers have had their way with all other areas of Thaxted over the past 20 years, I think it is about time we started thinking about what amenities these people now need apart from housing.

Yours Sincerely

Doug Fry

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Oakhurst
Park Street
Thaxted
Dunmow
Essex
CM6 2NE

22nd November, 2017

Sarah Nicholas
Senior Planning Officer Uttlesford District Council
London Road
Saffron Walden
Essex
CB11 4ER

Dear Ms Nicholas,

Re. Chalky Meadow, Thaxted

We would like to express our strong support for the proposal that Chalky Meadow is considered as "an asset of Community Value".

As you will be aware, this area, has been identified by experts representing several different ecological and wildlife groups as being of particular scientific and conservation interest. These observations include the recognition of an exceptionally large Common Lizard colony, the recording of 22 types of butterfly, a diverse range of hedgerow and other plants and sightings of many and various birds.

You will also be aware that there has been unprecedented building of houses around Chalky Meadow. The community of Thaxted has been successful in incorporating these new residents into the town. However this building has destroyed much habitat, which was of considerable benefit to local ecology.

Preservation of Chalky Meadow would firstly redress some of this loss and secondarily allow a sanctuary for important and possibly rare wildlife, as well as becoming an important amenity for both the

local community and those who are interested or expert from
father afield.

This is a unique example how a sensitive and outward looking
approach to planning can support a community. If development
was allowed on this site, it would be lost forever. We are aware of
the importance of the environment and urge you to support this
application to protect this asset for its community land value.

Yours sincerely

Mary and Michael Tayler

Document to support the nomination of ‘Chalky Meadow’ to become an asset of community value.

13/11/2017.

About the Author: Helen Payne is a lay person, resident of Thaxted, and is supporting this application as part of a wider ambition to look after nature and the wild spaces within the parish. Helen is working with other residents and Thaxted Parish Council with the aim that “Chalky Meadow” becomes an asset of community value. (Contact details are listed at the end of the document.)

Purpose of this document: To provide additional detail to the original nomination; in particular section 3 – demonstrating the community value of ‘Chalky Meadow’.

Introduction: ‘Chalky Meadow’ is a temporary name; it refers to the idea that this site has the potential to become a good example of a species rich calcareous grassland meadow.

Calcareous grasslands occur on the chalky boulder clays of Uttlesford District in North West Essex, although sadly, most of the stands are now confined to road verges and the edges of chalk quarries. Typical flowers include field scabious, pyramidal orchid, common spotted orchid and greater knapweed. They also support some of the county’s rarest species such as crested cow-wheat and sulphur clover.

<http://www.essexbiodiversity.org.uk/species-and-habitats/grasslands>

If successful in achieving the status of asset of community value the author would involve the residents of Thaxted to come up with a better name.

Historical Note:

The site has been left to its own devices for about twenty five years, before that it was agricultural land. Up until recently ,(approximately 5 years ago when the Mill View development on the end of Wedow Rd began), the site was frequently used by walkers, children and nature enthusiasts. The building development effectively cut off the through way that was being used and rendered it relatively inaccessible.

We propose that the protection and development of this ‘wild space’ will be of enormous community benefit. This is supported by widely held views that access to and involvement in nature is inherently good for us as individuals in terms of our physical and mental wellbeing. It will bring people together by promoting community involvement and provide wonderful education opportunities for our children in addition to protecting the wildlife.

With reference to Section 3: Demonstrating the community value of the asset.

Q5a Why do you feel the property is an asset of community value?

Wildlife and nature are very important to our community. We live in a wonderful rural town; however we are becoming increasingly aware that within our parish boundaries we have very few ‘wild’ or natural areas that are important for wildlife and biodiversity. This concerns us.

The BBC news article (http://www.bbc.co.uk/news/uk-41901294_13/11/2017) shows that only 2% of the land in Uttlesford is natural; this is despite the fact we are very rural – (93% of Uttlesford land is farmland). The 2% figure is low compared to the national figure of 35% of land being ‘natural’ too.

The following is an extract from Thaxted’s Draft Neighbourhood Plan (Nov 2017). (Author’s highlight)

5.5 WILDLIFE HABITATS

5.5.1 Thaxted's unspoilt and varied landscape is rich in wildlife. The following specific sites were identified in the questionnaire responses as being important as wildlife habitats and deserving of protection:

- Cophall Lane (stream and meadows)
- West Wood
- **Essex County Council owned site next to The Mead (Chalky Meadow)**
- Piggot's Hill
- Chelmer Valley/fields adjacent to Watling Lane
- The Churchyard
- Cutler's Green

5.5.2 The questionnaire also revealed that 95% of the respondents thought that it was important to manage/protect local wildlife sites. It is therefore essential that any potential development within an area of wildlife habitat value should be considered in the context of its importance for local wildlife.

We have also collected a petition that shows support for "Chalky Meadow" being an asset of community value.

There is a wealth of evidence to show there is a strong connection between wellbeing and our relationship with nature. To avoid a long list of papers I put forward the green paper from the Wildlife Trusts and RSPB as a good reference point.

https://www.wildlifetrusts.org/sites/default/files/green_paper_nature_and_wellbeing_act_full_final.pdf

"This Green Paper makes the case for a Nature and Wellbeing Act for England to halt the decline in nature and speed its recovery, for the benefit of people and our environment."

"Our wealth as a nation and our individual wellbeing depend critically upon the environment. It provides us with the food, water and air that are essential for life and with the minerals and raw materials for our industry and consumption. Less obviously, it provides the processes that purify the air and water, and which sequester or break down wastes. It is also in our environment where we find recreation, health and solace, and in which our culture finds its roots and sense of place."

(UK National Ecosystem Assessment: Understanding Nature's Value to Society. UNEP-WCMC (2011) quoted in the above document.)

The community of Thaxted would like to protect and value our wild spaces as shown by the supporting petition and Neighbourhood Plan.

Q5b How could the building or land be acquired and used in future?

The future is the exciting part of this story. If successful at achieving "Chalky Meadow" to become an asset of community value we propose the following:

- Partnership working between Essex County Council (landowners), Thaxted Parish Council, Essex Biodiversity Project / Essex Wildlife Trust (Uttlesford branch) and a community group.
- The community group will work in consultation with residents, the school and other local groups to establish a working group that has clearly defined constitution and purpose to aid in the following:
- The production of a clear plan, by the partnership, for the site that will enhance the development and character of a species rich calcareous grassland meadow and;
- Work with residents, the school and other groups to encourage access and use.
- The seeking of access grants where necessary.

Contact details:

Helen Payne, 16 Guelphslane, Thaxted, Essex, CM62PT, 01371 830664, helen@discoverbushcraft.co.uk

References:

<http://www.essexbiodiversity.org.uk/species-and-habitats/grasslands> accessed 13/11/2017

<http://www.bbc.co.uk/news/uk-41901294> accessed 13/11/2017

https://www.wildlifetrusts.org/sites/default/files/green_paper_nature_and_wellbeing_act_full_final.pdf
accessed 13/11/2017

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Sarah Nicholas,
Senior Planning Officer,
Uttlesford District Council,
London Road,
SAFFRON WALDEN,
Essex CB11 4ER

25 Newbiggen Street,
THAXTED,
Essex CM6 2QS

1st December 2017

Dear Senior Planning Officer,

Asset of Community Value
Chalky Meadow, Guelphs Lane, Thaxted

In respect of the application made by Helen Payne of ' Wild Thaxted ' in respect of Chalky Meadow, we are enthusiastic supporters of such a project the aim of which, obviously enough, is to protect this wildlife-rich meadow from whatever development would endanger the abundant wild-life we are presently able to enjoy in this undisturbed area.

The Meadow is very much 'back land ' and if, as one fears in these days, there are calls for any ' spare land ' to be set aside for house building, there are many more suitable sites so that we do hope that the reservation of this ' unknown ' area may be supported.

Yours truly

D and E Morgan

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Committee:	Assets of Community Value Sub-Committee	Date:	14 December 2017
Title:	Nomination of Hop Poles, Great Hallingbury as an asset of community value		
Portfolio Holder:	Cllr Susan Barker		
Report Author:	Sarah Nicholas, Senior Planning Officer, 01799 510454	Key decision:	No

Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. An Asset is of community value if (in the opinion of the local authority) either:
 - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.or
 - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. The Hop Poles was originally listed as an asset in 2012 and the listing expires on 13 December 2017. Great Hallingbury Parish Council has re-nominated the Hop Poles Public House as an asset of community value.
6. The nomination was first considered by Cabinet on 30 November 2017 but it was decided to defer the decision to allow further consideration of the evidence of whether the primary use of the land furthers the social wellbeing and social interests of the community.

7. The purpose of this report is to enable members to determine:
 - a) Whether this is a valid nomination
 - b) Whether the use of the building (current or recent past) furthers the social welling or interests of the community.
 - c) Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.

In considering these questions, members need to consider principal, rather than ancillary, uses of the building.

If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

Recommendations

8. That members determine whether to list the Hop Poles, Great Hallingbury as an asset of community value, having considered the statutory criteria.

Financial Implications

9. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
10. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council’s budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

Background Papers

11. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Impact

- 12.

Communication/Consultation	In line with paragraph 8 of The Assets of
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	Community Value (England) Regulations 2012 the Council have taken all practicable steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	Broad Oak and the Hallingburys
Workforce/Workplace	No impact

Situation

a. Is this a valid nomination?

13. S89 of the Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.

14. The nomination has been made by the Parish Council falling within the definition of a parish council for these purposes and the nominated property is within its area.

15. A nomination must also include:

- i. A description of the nominated land including its proposed boundaries.
- ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- iv. The nominator’s eligibility to make the nomination.

16. If it meets these requirements it is a valid nomination under S89(2)(i).

b. Does the use of the building (current or recent past) further the social wellbeing or interests of the community?

17. The Parish Council's nomination states that the Hop Poles Public House is situated in a central area of the village. The pub in the past has been a very popular venue for both residents and outside trade. Since the recession there appears to have been a decline in this trade but, The Hop Poles continues to be a viable asset.

18. The property is currently vacant and is being offered for sale. The District Council received notification that the property was on the market on 9 August 2017. The Parish Council were informed and invited to be treated, along with any community interest group, as a potential bidder for the asset. Within the prescribed 6 week period the Parish Council informed the District council that they were not in a position to purchase the property and has not received any written interest from a community interest group. The property is now within what is known as the protected period where the owner may sell the property on the open market. However if the property is still for sale after 9 February 2019 the community has to be invited to be treated as a potential bidder again.

c. Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.

19. The Parish Council suggest that a Community Interest Group would need to involve the community, perhaps through a shares scheme, and apply for grants and/or a loan in order to purchase the public house.

20. Being situated in a central area of the village, the building could be used for a community meeting room, tea rooms, library and council offices. This could be a facility for a daily meeting point for both villagers and other local groups who may benefit from getting together. Also council's working groups meetings could be held here, and a weekly council surgery could be held. On a daily basis the premises could still operate as a public house and/or tea rooms.

Representations

21. A representation from the solicitors acting for the owners sets out their formal objections to the listing. The representation states the following:

Background – The Public House

By way of background, the Public House is currently empty, without a tenant, and has been for a period of over two years. During that time, the Public House has been marketed for sale, but there has been very little interest from any party seeking to re-open the premises as a village pub and any interest in that regard has not amounted to a confirmed sale. On the contrary, our clients' view is that the only genuine enquiries regarding the sale of the Public House, which have

had proper financial backing, have been received from property developers largely seeking to change the use of the premises.

Prior to the closure of the Public House, it was not trading well, due to a number of external factors which had affected the accessibility of the Public House to potential customers and restricted the license, meaning that the Public House could not compete with other local eating and drinking establishments. Particularly, our clients have found that there is not a desire for this venue to exist within the local village community. There are other popular restaurants in the locality, which are preferred by residents of the village, meaning that the closure of the Public House did not result in any genuine loss of amenity or facility within the village of Great Hallingbury.

Objections to the Listing

Our clients' specific objections to the request made by the Great Hallingbury Parish Council are set out as follows:

1. Use of the land does not qualify

Our clients' first objection is that the use of the land does not qualify it as an Asset of Community Value within the scope of the legislation.

We have set out above the fact that the Public House is not currently occupied or trading, nor has it been for over two years. Even before the closure, the Public House was not well used or supported by the local village residents. In fact, we are instructed that local residents actively supported and even lobbied for the decision to restrict the license of the Public House in previous years, to prevent the garden and adjacent outside space from being used by the Public House for the purposes of the business.

In terms of the impact on the local community, we understand that Parliament has taken the view that at least 21 members of a community are required to benefit from an asset, in order for it to be capable of being an asset of community value and that figure is one which is to be applied across the whole country, including very small rural communities. In this case, as the Public House is not being used by any members of the local community, let alone 21, and has not been for over two years, it is clear that the Public House is not currently capable of furthering the social well-being or interests of the local community.

In terms of what can be considered social well-being, the benefit to the local community which the listing of the Public House is seeking to preserve is that of a drinking establishment. As stated above, the Public House was not well used prior to closure by the local community or at all and there are several other eating and drinking establishments within the area which are well used by the local community in preference to the Public House. The Public House is not unique or relied upon by the local community in any way and it certainly not essential to its social well-being.

Finally, in terms of future use, it is not realistic to determine that any qualifying use, which may have been accepted by the Council in previous years in order to

support the nomination, will resume in the future. This is due to the fact that the Public House is currently closed and has been for some time and there has been no agreed sale to an individual or company seeking to trade as a pub from the premises over the course of the past period of marketing. Further, the most likely scenario appears to be that the property will be sold to a developer who will seek to change the use of the premises to a residential dwelling(s).

2. No purpose in listing

Our clients’ second objection is that there would be no purpose in listing the Public House as an Asset of Community Value.

This is because the purpose of placing an asset on the list is to provide the community with an opportunity to secure the asset in the long term. This asset has been on the market for many months and at no point has the claimed community body bid to purchase the Public House. In fact, as early as April 2014, our clients received a letter from the Clerk to the Great Hallingbury Parish Council stating quite plainly that:

“the Parish Council are not able to support the Public House financially or otherwise”

The letter further states that if the Public House is marketed for sale:

“it would be nice to think that an ‘action group’ might be able to buy, but this is not something we can speculate at present.”

A copy of the representation and letter from the Parish Council is attached for reference, from which is undoubtedly clear that those supporting the proposed listing would not bid if the Public House was being sold as a community asset. In these circumstances, it would therefore be wrong, and would serve no purpose, to list the Public House as an Asset of Community Value.

Conclusions

22.

Risk Analysis

23.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	The owner has rights of internal review and appeal and can claim for compensation.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

		<p>The nominating body does not have rights of review or appeal. If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.</p>	
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	Great Hallingbury Parish Council
Address and postcode:	48 The Forest Hatfield Broad Oak Bishop's Stortford Hertfordshire CM22 7BT
Registration number (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are	
Category	Tick ✓
Parish/Town Council	✓
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	
Industrial & Provident Society which does not distribute any surplus it makes to its members	
Company Limited by Guarantee which does not distribute any surplus it makes to its members	
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
Charity	

Q3 Who should we contact to discuss this nomination?	
Name:	Urška Sydee
Address and postcode:	48 The Forest Hatfield Broad Oak Bishop's Stortford Hertfordshire CM22 7BT
Telephone number	
Email address	greathallingburypc@outlook.com

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?	
Name of property:	Hop Poles Public House
Address and postcode:	Bedlars Green Great Hallingbury CM22 7TP
Name of property owner	Peter Cullen
Address and postcode:	Bedlars Green Great Hallingbury CM22 7TP
Telephone number	
Email address (if known)	
Current occupier's name (if different from property owner)	
Details of occupier's interest in property	

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5a Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

Current use:
Public House

The Hop Poles - is situated at Bedlars Green which is quite a central area of the village being more densely populated than some areas.

The pub has in the past been a very popular venue for both residents and outside trade. Since the recession there appears to have been a decline in this trade but, The Hop Poles continues to be a viable asset and, we hope, will continue to be so.

We believe this public house meets the above criteria.

Q5b How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community. Continue on a separate sheet if necessary.

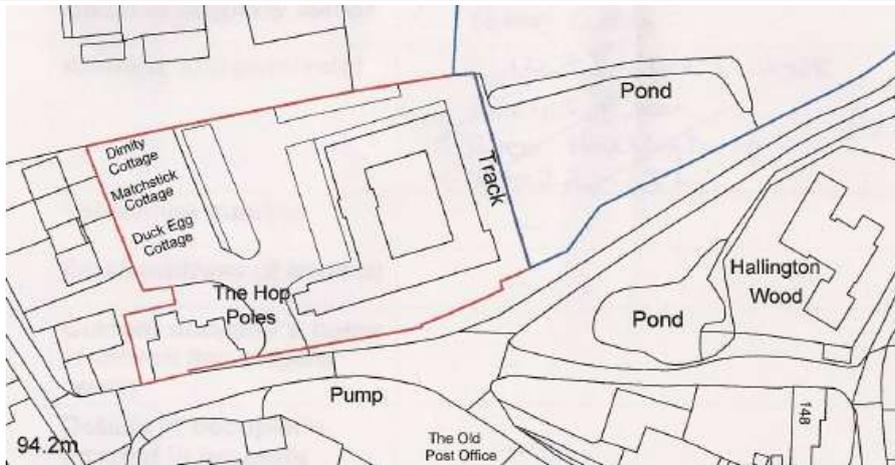
The Community Interest Group would need to involve the community, perhaps through a shares scheme, and apply for grants and/or a loan in order to purchase the public house.

Being situated in a central area of the village, the building could be used for a community meeting room, tea rooms, library and council offices.

This could be a facility for a daily meeting point for both villagers and other local groups who may benefit from getting together. Also council's working groups meetings could be held here, and a weekly council surgery could be held. On a daily basis the premises could still operate as a public house and/or tea rooms.

Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can, including an Ordnance Survey plan outlining the site.



Attachment checklist

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed:

Print Name: Urška Sydee

Position in Organisation: Clerk to Great Hallingbury Parish Council

Date: 24.10.2017.

FOR OFFICE USE ONLY

Date received:		Decision deadline:	
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Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

Date: 29 November 2017

Our Ref: KF1 / CULLEN

Your Ref:

DDI: 020 7596 8584

E-Mail: katie.froude@philipross.com

For the attention of Sarah Nicholas

Sent by Post & by Email:

snicholas@uttlesford.gov.uk

Dear Sirs

NOMINATION UNDER THE LOCALISM ACT 2011 & ASSET OF COMMUNITY VALUE REGULATIONS 2012

PROPERTY: THE HOP POLES PUBLIC HOUSE (FORMERLY KNOWN AS THE SIR JOHN HOUBLON) BEDLARS GREEN, GREAT HALLINGBURY, BISHOP'S STORTFORD, CM22 7TP

OUR CLIENTS: PETER BURKE CULLEN & JEAN PAULINE CULLEN

We refer to the letter sent to Mr P Cullen on 25 October 2017, which was copied to this firm, and served as a notification that a request had been submitted to the Council, by the Great Hallingbury Parish Council, to designate the Hop Poles Public House ("the Public House") as an Asset of Community Value.

We understand that this notification was made to our client in his capacity as joint freehold proprietor of the Hop Poles and that this follows the previous listing of the Public House as an Asset of Community Value in December 2012, which is due to expire next month.

We have been instructed by our above named clients to respond to the current request on their behalf and would ask that a copy of this letter is passed to Mr Gordon Glenday, who wrote to our client on 25 October, as well as to all other relevant persons engaging in the meeting of the Cabinet, on 30 November at 7:00pm, in which the request by the Great Hallingbury Parish Council will be considered and decided.

The purpose of this letter is to set out our clients' formal objections to the listing of the Public House as an Asset of Community Value, to commence upon the expiry of the current listing.

Background – The Public House

By way of background, the Public House is currently empty, without a tenant, and has been for a period of over two years. During that time, the Public House has been marketed for sale, but there has been very little interest from any party seeking to re-open the premises as a village pub and any interest in that regard has not amounted to a

Andrew Fishman
Harry Pattihis
Christopher Atkinson
Alun Williams
Gary Scott
Jane Fisher FCILEx
Mathura Paramjorthy
Asif Ahmed
George Constant
Alicia Pattihis
Geoff Mendelsohn
Georgina Kyriacou
Max Lesser

Property Executive
Dee Puckering FCILEx

Consultants
Victoria Mellon
Peter Papadopulo
David Connick
Grant Rechnic
Arthur Fernandes
Lucy Paltnoi

Continuation

confirmed sale. On the contrary, our clients' view is that the only genuine enquiries regarding the sale of the Public House, which have had proper financial backing, have been received from property developers largely seeking to change the use of the premises.

Prior to the closure of the Public House, it was not trading well, due to a number of external factors which had affected the accessibility of the Public House to potential customers and restricted the license, meaning that the Public House could not compete with other local eating and drinking establishments. Particularly, our clients have found that there is a not a desire for this venue to exist within the local village community. There are other popular restaurants in the locality, which are preferred by residents of the village, meaning that the closure of the Public House did not result in any genuine loss of amenity or facility within the village of Great Hallingbury.

Objections to the Listing

Our clients' specific objections to the request made by the Great Hallingbury Parish Council are set out as follows:

1. Use of the land does not qualify

Our clients' first objection is that the use of the land does not qualify it as an Asset of Community Value within the scope of the legislation.

Land which is of community value is defined by section 88 of the Localism Act 2011. This provides that:

“(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority—

(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.”

As a result, it is necessary for the Council to decide whether or not the current use of the Public House furthers the social wellbeing or social interests of the local community.

We have set out above the fact that the Public House is not currently occupied or trading, nor has it been for over two years. Even before the closure, the Public House was not well used or supported by the local village residents. In fact, we are instructed that local residents actively supported and even lobbied for the decision to restrict the license of the Public House in previous years, to prevent the garden and adjacent outside space from being used by the Public House for the purposes of the business.

In terms of the impact on the local community, we understand that Parliament has taken the view that at least 21 members of a community are required to benefit from an asset, in order for it to be capable of being an asset of community value and that figure is one which is to be applied across the whole country, including very small rural communities. In this case, as the Public House is not being used by any members of the local community, let alone 21, and has not been for over two years, it is clear that the Public House is not currently capable of furthering the social well-being or interests of the local community.

Continuation

In terms of what can be considered social well-being, the benefit to the local community which the listing of the Public House is seeking to preserve is that of a drinking establishment. As stated above, the Public House was not well used prior to closure by the local community or at all and there are several other eating and drinking establishments within the area which are well used by the local community in preference to the Public House. The Public House is not unique or relied upon by the local community in any way and it certainly not essential to its social well-being.

Finally, in terms of future use, it is not realistic to determine that any qualifying use, which may have been accepted by the Council in previous years in order to support the nomination, will resume in the future. This is due to the fact that the Public House is currently closed and has been for some time and there has been no agreed sale to an individual or company seeking to trade as a pub from the premises over the course of the past period of marketing. Further, the most likely scenario appears to be that the property will be sold to a developer who will seek to change the use of the premises to a residential dwelling(s).

2. No purpose in listing

Our clients' second objection is that there would be no purpose in listing the Public House as an Asset of Community Value.

This is because the purpose of placing an asset on the list is to provide the community with an opportunity to secure the asset in the long term. This asset has been on the market for many months and at no point has the claimed community body bid to purchase the Public House. In fact, as early as April 2014, our clients received a letter from the Clerk to the Great Hallingbury Parish Council stating quite plainly that:

"the Parish Council are not able to support the Public House financially or otherwise"

The letter further states that if the Public House is marketed for sale:

"it would be nice to think that an 'action group' might be able to buy, but this is not something we can speculate at present."

A copy of this letter is attached for reference, from which is undoubtedly clear that those supporting the proposed listing would not bid if the Public House was being sold as a community asset. In these circumstances, it would therefore be wrong, and would serve no purpose, to list the Public House as an Asset of Community Value.

Conclusion

On the basis of the reasons set out above, our clients object to the proposed listing of the Public House as an Asset of Community Value from December onwards and submit that the requested submitted for listing by the Great Hallingbury Parish Council should fail.

Our clients should be grateful if the Council would take this letter of objection into account on considering the request and coming to a decision at the Cabinet meeting on 30 November 2017.

Yours faithfully

Philip Ross
Enclosures

GREAT HALLINGBURY PARISH COUNCIL IN THE COUNTY OF ESSEX

MRS F.M.R. TOWNSEND
CLERK OF THE COUNCIL

TEL: 01279 465790

e.mail: ftownsendpc@btinternet.com

7 THE GROVE
GREAT HALLINGBURY
BISHOP'S STORTFORD
HERTS. CM22 7TT.

Mr. P. Cullen,
Golden Jubilee Cottage,
Bedlars Green,
Great Hallingbury,
Bishop's Stortford,
Herts. CM22 7TL.

2012

3rd April 2014

Dear Peter,

Further to my acknowledgement of your letter of 17th January, I am writing at last, and I apologize for the delay, to report from the discussion at our Council meeting in March.

As you are aware the pub is on Uttlesfords Community Assets list, but at this time the Parish Council are not able to support the pub financially or otherwise, and in any case, additional support would be needed from fellow benefactors in the community. If you advertise the premises for sale it would be nice to think that an 'action group' might be able to buy, but this is not something we can speculate at present.

Being on the Community Assets list however does not prevent you from leasing the pub in any way.

It is very sad that the pub has closed and, while we wish there was something more helpful we could do, members of the Parish Council can only sincerely hope that you are able to secure a new tenant.

Kind Regards,

Mrs Freda Townsend,
Clerk to the Council.