



Uttlesford District Council

Chief Executive: Dawn French

Assets of Community Value Committee

Date: Wednesday, 31st October, 2018

Time: 2.00 pm

Venue: Committee Room - Council Offices, London Road, Saffron Walden,
Essex CB11 4ER

Chairman: Councillor S Barker

Members: Councillors S Howell and V Ranger

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 Apologies for Absence and Declarations of Interest

To receive apologies for absence and declarations of interest.

2 Minutes of the previous meeting

3 - 4

To consider the minutes of the previous meeting.

3 Nominations for Assets of Community Value - Ashdon

5 - 30

To consider the nominations of the Rose and Crown public house, Ashdon and The Allotments, Ashdon as Assets of Community Value.

MEETINGS AND THE PUBLIC

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Members of the public and representatives of parish and town councils are permitted to speak or ask questions at any of these meetings. You will need to register with the Democratic Services Officer by midday two working days before the meeting.

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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For information about this meeting please contact Democratic Services

Telephone: 01799 510369 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

Agenda Item 2

**ASSETS OF COMMUNITY VALUE COMMITTEE held at COMMITTEE ROOM
- COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11
4ER, on THURSDAY, 22 MARCH 2018 at 4.00 pm**

Present: Councillor S Barker (Chairman)
Councillors V Ranger and J Redfern

Officers in attendance: A Bochel (Democratic Services Officer), S Mannion (Legal Assistant) and E Smith (Solicitor)

ACV9 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 16 February 2018 were approved and signed as a correct record.

ACV10 **NOMINATIONS FOR ASSETS OF COMMUNITY VALUE**

Members considered the report on nominations to be considered for listing as Assets of Community Value.

Members agreed that all nominations met the criteria to be listed as Assets of Community Value.

RESOLVED to list the following nominees as Assets of Community Value:

- a) Allotments, High Easter
- b) Jubilee Woods, High Easter
- c) Playing Field, High Easter
- d) Village Hall, High Easter
- e) WI Hall, High Roding

The meeting ended at 4.15pm.

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Committee:	Assets of Community Value Committee	Date:
Title:	Nominations for Assets of Community Value - Ashdon	Wednesday, 31 October 2018
Report Author:	Sarah Nicholas, Senior Planning Officer snicholas@uttlesford.gov.uk	

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 purpose of this report is to enable members to determine:
 - a) Whether there is a valid nomination;
 - b) Whether the use of the building (current or recent past) furthers the social wellbeing 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.
- d) In considering these questions, members need to consider principal, rather than ancillary, uses of the building.
- e) 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

- 6. Recommended for Listing: On the basis that there is a valid nomination and the current use of, or there is a time in the recent past when,
 - a. the Rose and Crown public house Ashdon
 - b. The Allotments Ashdon

furthered the interests of the community, and it is realistic to think that in the next 5 years the building could further the interest of the community, officers would recommend that the sites be listed as an Asset of Community Value.

- 7. The nomination form in full, maps and representations are attached to this report and can be viewed on the website at www.uttlesford.gov.uk/assets under ‘currently nominated assets’.

Financial Implications

- 8. 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.
- 9. 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

- 10. 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.
- 11. The submission for consideration as Assets of Community Value and any representations accompany this report and are available on the website at www.uttlesford.gov.uk/assets under ‘currently nominated assets’

Impact

12.

Communication/Consultation	In line with paragraph 8 of The Assets of 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	Ashdon
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 nominations have been made Ashdon Parish Council and the nominated properties are within the parish of Ashdon.
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). The nomination being considered is validly made.

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

The Allotment Gardens, Ashdon

17. The Parish Council have nominated the land between the village green and Thristalls. A portion of this site adjacent to Thristalls has been laid to grass and fenced off.

18. The Parish Council state in their nomination form that the allotments are well employed and have been more so for many years. They are the only allotments in the village. At any point in time, there is always someone working on their allotment.

19. The allotments are located in the centre of the village and they provide a communal meeting place, a place of recreation of leisure and of community well-being.

20. The allotments provide social and physical assets where people come together for friendship and community, social interaction and exercise. They provide space for people with small or no garden the opportunity to have access to outside space and grow produce. The site is rich in wildlife. It is next to the stream and is an area where flood water can go reducing the impact on properties downstream. It offers a financial benefit to allotment holders able to grow their own food. The allotment holders take part in the Ashdon Open Gardens Day.

The Rose and Crown Public House Ashdon

21. The Parish Council state in their nomination form that the Rose and Crown is the last public house in the village.

22. The pub is used by people of all ages from within the village and attracts people from outside the village too, including walkers and cyclists. It provides an irreplaceable function that it is impossible to replicate. Such is the nature of the pub that people feel comfortable coming in on their own, thus providing a vital social function for those who are lonely or isolated. There are many clubs that hold their meetings in the pub together with annual social gatherings eg Ashdon Cricket Club, Ashdon WI etc. The pub attracts people to the village who then use other facilities in the village.

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.

23. In the event that either of the properties came up for the sale the Parish Council state that the village would explore the availability of grants, community funding, loans etc.

24. There is no recent history of planning applications on either property.

Representations

25. A representation has been received from the owner of the allotments. The allotments are in private ownership but managed by two residents of Ashdon. The owners received a complaint from the Parish Council that the allotments

were being mismanaged and were in a poor state of repair. It was noted that the Best Kept village judges had also complained to the Parish Council that the allotments were untidy and under used.

26. The allotments far from being an asset were underutilised with large areas untended and growing wild. With the lack of interest in setting up a formal Allotment Association it was agreed with the parish Council to consolidate the allotments to one end to keep the remaining area in reasonable condition and to clear and fence the underutilised area and set it to grass. The fencing was erected to prevent unauthorised access. The allotments would continue to be advertised in Ashdon and further afield.
27. The remaining allotments continue to be very underutilised due to lack of interest and certainly not due to the cost of an allotment unit, which questions whether it is an Asset of Community Value. Planning permission has not been sought for development on the fenced area. The fenced area may be extended or reduced depending on the demand for allotments moving forward to ensure the space looks attractive.

Conclusion

28. Valid nominations have been made to the Council.
29. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.
30. Members need to consider whether it is realistic to think that the property can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
31. Consideration of these issues will lead the Committee to determine whether the allotments and /or Rose and Crown Public House should be listed as assets of community value for a period of five years.

Risk Analysis

32.

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. A new nomination	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

		<p>can be made with additional information.</p> <p>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.

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	Ashdon Parish Council
Address and postcode:	c/o Mallards Midsummer Hill Ashdon CB10 2LZ
Registration number (if you are a charity, company, CIC or social enterprise)	n/a

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:	Cllr. Jo Wheatley
Address and postcode:	

Q3 Who should we contact to discuss this nomination?	
Telephone number	
Email address	

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?	
Name of property:	The Allotments, including the area that has been sectioned off and enclosed by fencing, with new road access created (by the owner)
Address and postcode:	The Allotments Ashdon Saffron Walden
Name of property owner	The McGougan Family
Address and postcode:	xxx
Telephone number	xxx
Email address (if known)	xxx
Current occupier's name (if different from property owner)	Currently 'rented' to multiple occupiers
Details of occupier's interest in property	Leisure, Social, Vegetable and Flower produce

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.

The Allotments are currently well employed and have been so more many years. At any point in time, there is always someone working on their allotment.

The allotments are privately owned and have been a focal point of the village for many years. They are in the heart, the centre of the village, they provide a communal meeting place, a place of recreation, of leisure and of community well being. They are the only remaining allotments in the village, there having been several other sites over the years. Whilst the uptake of allotments in all areas tend to vary over the years it has been shown that the need for allotments increase as communities increase as new houses have very limited gardens for vegetable or flower gardens

We believe they are an asset of community value for the following reasons:

Social and Physical

They represent an invaluable social aspect of the village, where people come together for many reasons, not least that of friendship and community. There are many aged people in the village for whom working on their allotment and talking to the other allotments holders, provides them with essential social interaction and exercise that would not otherwise be available to them, especially given ever-reducing government funds for social care. They provide a valuable point of community well being

Access to space

They provide people with either small or no garden at all, the opportunity to have access to further outside space and to grow produce that they would not have room for

Wildlife

The area where the allotments are located are rich in wildlife including birds and grass snakes. The allotments are sited on the banks of the River Bourn in an area of flood risk particularly to those properties downstream of the site. The allotments provide protection to those properties downstream in times of flood and as so should be retained as such.

Financial

Access to an allotment allows people to grow their own vegetables, which is of huge economic benefit, particularly for the aged allotment holders who aren't able to drive to shops.

Aesthetic

Ashdon Allotments are particularly noteworthy for their beauty and immaculate presentation.

They form part of our 'Ashdon Open Gardens Day', which brings many people to the village, who then in turn use our facilities (Museum, Pub, Garden Centre etc)

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.

In the event that this community asset came up for sale, the village would explore the availability of grants, community funding, loans etc.

Detailed plans would be provided at that time:

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.

There is concern about the future of the allotments as a whole, but particularly the section that has been separated and fenced, with road access created.

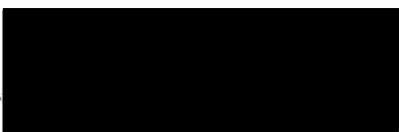
We are concerned that the owner wishes to present the impression that the allotments are under-employed and therefore creating an opportunity for development.

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: .. P.P. .. Jo Wheatley

Position in Organisation: .. Parish Councillor

Date: 17th September 2018

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Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	Ashdon Parish Council
Address and postcode:	c/o Mallards Midsummer Hill Ashdon CB10 2LZ
Registration number (if you are a charity, company, CIC or social enterprise)	n/a

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:	Cllr. Jo Wheatley
Address and postcode:	

Q3 Who should we contact to discuss this nomination?	
Telephone number	
Email address	

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?	
Name of property:	The Rose and Crown Public House
Address and postcode:	Crown Hill Ashdon Saffron Walden CB10 2HA
Name of property owner	Adrian Bayford
Address and postcode:	
Telephone number	Not known
Email address (if known)	Not known
Current occupier's name (if different from property owner)	Mr and Mrs Hans Pinkard
Details of occupier's interest in property	Tenants

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.

The Rose and Crown Public House is the heart of our village and it is the last pub in our village.

We believe it is an asset of community value for the following reasons:

Social

The pub is used by people of all ages from within the village and attracts people from outside the village too, including walkers and cyclists.

It performs an irreplaceable function that it is impossible to replicate. We know that other villages have tried to replace their pubs via drinks in village halls, church halls etc, but this just doesn't work in the same way that a pub does.

Such is the nature of this pub, that people feel comfortable coming in on their own, thus providing a vital social function for those who are lonely or isolated within the village, eg the aged, single parents etc.

Without this pub, this village would just become a vacuous suburb of Saffron Walden.

Business

The pub is the sole business for the current tenants and their family. The pub attracts people to the village who would then use our other facilities, garden centre, museum, churches etc

Clubs/Associations

There are many clubs that hold meetings in the pub, together with annual social gatherings, eg: Ashdon Cricket Club, Ashdon WI, Ashdon Villa Football Club etc

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.

In the event that this community asset came up for sale, the village would explore the availability of grants, community funding, loans etc.

Detailed plans would be provided at that time.

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.

We are particularly concerned about the future of the last pub in our village, which has already been subject to development: a large house has already been built within the grounds.

It is believed that the pub is 'under-invested' by the owner (facilities, wiring, infrastructure not maintained) and it is of concern that this is a ploy (as with previous owners) to 'run the pub down' in an attempt to reduce the business to a point at which a change of use could be applied for.

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 a

Signed: 

Print Name: ... *pp* Jo Wheatley

Position in Organisation: Parish Councillor.

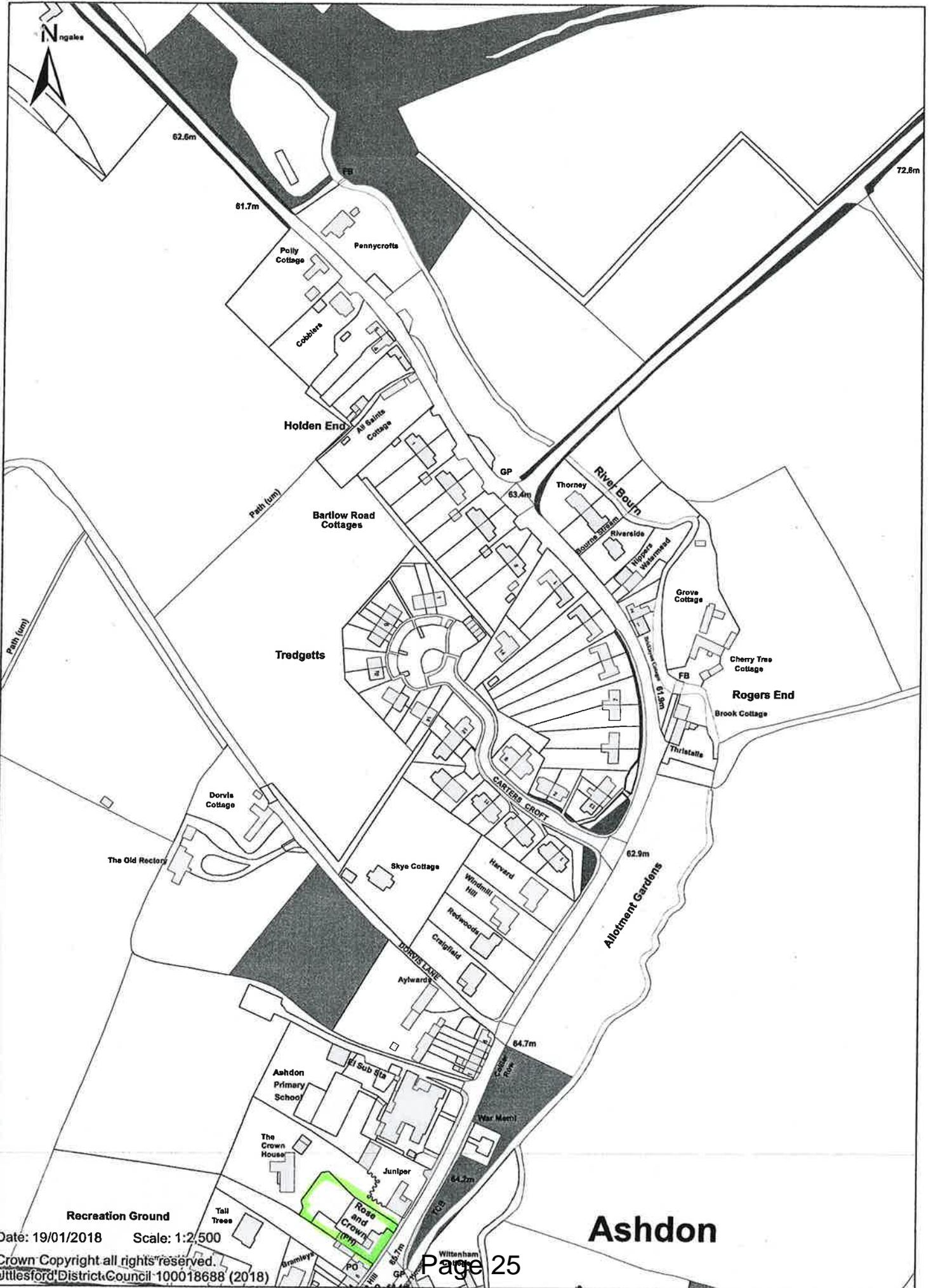
Date: . . . 17th September 2108

FOR OFFICE USE ONLY

Date received:

Decision deadline:

Carters Croft, Ashdon



Ashdon

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Sarah Nicholas
Senior Planning Officer
Uttlesford District Council
01799 510454
www.uttlesford.gov.uk

30TH September 2018

**Nomination from Ashdon Parish Council to list the Allotments, Ashdon
as an Asset of Community Value**

Dear Sarah

Following on from our previous interaction by email, I would like to submit this formal response to the application by Ashdon Parish Council to list the Allotments as an Asset of Community Value.

The Allotments have been in our family for nearly 100 years since my Great Grandfather purchased Waltons Park in the early 1900s.

My sister Elisabeth Ann and myself have been owners of the Allotments since my mother's death in 1980 and have continued to allow members of the Ashdon Community for a small fee to use the Allotments. They have been managed by Daisey Peach and Chris Lewis during this time.

In November 2016 I was approached by Ann Wright with a complaint that the Allotments were being mismanaged and were in a poor state of repair. I visited the Allotments and met with all interested parties including Ann and Mike Elsey of the Parish Council. It was noted that The Best Kept Village judges had also complained to Ashdon Parish Council that the Allotments were untidy and under used.

I reached the following conclusions:

- 1) Chris Lewis who has been managing the Allotments since Daisey Peach became ill has been doing a good job under difficult circumstances.
- 2) The Allotments far from being an Asset were very underutilised with large areas untended and growing wild.
- 3) Whilst offering to set up a formal Allotment Association there was little enthusiasm to take control and organise apart from Chris, who felt given the lack of users it would be difficult to achieve, and I agreed we would continue with the current arrangement.
- 4) We collectively agreed that we would consolidate the allotments to one end to keep the remaining area in reasonable condition and to clear and fence the underutilised area and set it to grass. The fencing has been installed to prevent unauthorised access by the traveller community who would regard an unsecured site as an easy target with all the associated issues that come with that.
- 5) We would continue to advertise for Allotment holders both in Ashdon and further afield due to the lack of local interest.

We spent in excess of £3000.00 clearing, fencing and grassing the space and I would like to think it has improved the appearance of the location given its position within the community. The hedges are trimmed, and a gate secures the grass section and we are considering putting sheep on the space to graze the area. I continue to be comfortable with Chris Lewis's contribution which he undertakes for little reward and for the benefit of the community.

Points of Note:

- 1) The remaining Allotment area continues to be very underutilised primarily due to lack of interest in growing vegetables or flowers and certainly not due the cost of an allotment unit. I am therefore finding it somewhat galling

that the Parish Council should undertake make it an Asset of Community Value.

- 2) The work we undertook to improve the Allotment area was agreed with all parties including the Parish Council and apart from costing us dear has no return for us as we have always returned any income back to those that organise the Allotment's upkeep.
- 3) We have not sort planning for any properties on the fenced area.
- 4) We may extend or reduce the fenced area depending on demand for the allotments moving forward to ensure the space looks attractive.

I believe the quest to assign the Allotments as an Asset of Community Value is somewhat bogus. The lack of enthusiasm to use the Allotments would suggest that NIMBYism is more the driving force.

I would very much appreciate confirmation from you that this letter will be submitted as a response from the owner of the Allotments as part of this application.

I very much look forward to hearing from you further on this matter.

Yours sincerely

Malcolm McGougan

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- 3) We have not set planning for any properties on the fenced area.
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I very much look forward to hearing from you further on this matter.

Yours sincerely



Malcolm McGougan

Moortaker

Waterhouse Lane

Ardleigh

CO7 7NE

Malcolm.mcGougan@arb.uk.net

01206 230 484