



# Uttlesford District Council

Chief Executive: Dawn French

## **Assets of Community Value and Local Heritage List Committee**

**Date:** Tuesday, 9th April, 2019  
**Time:** 7.00 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** 5 - 6  
To consider the minutes of the previous meeting.
- 3 Nomination of Ashdon Windmill and Car Park as Asset of  
Community Value** 7 - 12

To consider the nomination of Ashdon Windmill and Car Park as  
Asset of Community Value.

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

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

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# Agenda Item 2

**ASSETS OF COMMUNITY VALUE COMMITTEE held at COMMITTEE ROOM  
- COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11  
4ER, on WEDNESDAY, 31 OCTOBER 2018 at 2.00 pm**

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

Officers in attendance: A Mawson (Democratic Services Officer) and S Pugh (Assistant Director - Governance and Legal)

## 1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

None

## 2 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 22 March 2018 were received and signed as a correct record by the Chairman.

## 3 **NOMINATIONS FOR ASSETS OF COMMUNITY VALUE - ASHDON**

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, Ashdon
- b) Rose & Crown PH, Ashdon

The meeting ended at 2:15pm.

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**Committee:** Assets of Community Value and Local Heritage List Committee  
**Title:** Nomination of Ashdon Windmill and Carpark;  
**Report Author:** Sarah Nicholas, Senior Planning Officer  
snicholas@uttlesford.gov.uk  
**Date:** Tuesday, 9 April 2019

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## 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,

- Ashdon Windmill and car park

furthered the interests of the community, and it is realistic to think that in the next 5 years the building/land 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 can be viewed on the website 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 are available on the website at [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 nomination has been made Ashdon Parish Council and the nominated properties are within the parish.
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?**

17. The Parish Council have nominated Ashdon Windmill and its car park. The windmill is also known as Bragg's Mill.

18. The Parish Council state in their nomination form that the windmill was gifted to the village in 2012 in the form of The Ashdon Windmill Trust Ltd.

19. The Parish Council believe that the Windmill with its car park furthers the social wellbeing or interests of the community for the following reasons

- At a public meeting in 1999 over 100 village residents unanimously voted to save and restore the Mill
- Other than work required to be carried out by a experience millright, many aspects of the original restoration work and ongoing maintenance are carried out by tradesmen within the Ashdon community.
- The mill is a tourist attraction with Open Days held throughout spring and summer.
- Friends of Ashdon Windmill will open the Mill to private groups
- It is focal point in the [Bartlow 3 Counties Charity Walk](#)

**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.**

Ashdon Windmill and Car Park

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

21. There is no recent history of planning applications on the property

**Representations**

22. No representations have been received. Any received after publication of this report will be reported at the meeting.

**Conclusion**

23. Valid nominations have been made to the Council.

24. 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.

25. 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.
26. Consideration of these issues will lead the Committee to determine whether Ashdon Windmill with its car park should be listed as assets of community value for a period of five years.

## Risk Analysis

27.

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 can be made with additional information.  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.

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