

ELS
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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



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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

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