

24 November 2017

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Our ref:
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Your ref:

Dear Sir

Application to list the Post Office, High Street, Great Dunmow as an Asset of Community Value

We act on behalf of Post Office Limited in the above matter and have been passed a copy of your letter dated 25 October 2017 confirming the District Council has received a request from the Town Council to designate the Post Office, High Street, Great Dunmow as an Asset of Community Value (ACV) when that listing expires in December of this year.

Please take this letter as an objection to the request to list the Post Office. In addition, we reserve our client's right to put forward further objections in due course.

Property History

Our clients have the benefit of a lease granted in 2010 under title number EX853502 and therefore has a sufficient interest in order to object to the proposed listing of the Post Office as an ACV.

The Nomination

We have looked on the Council's website for specific details in relation to the application to list the Post Office and have had sight of the nomination form signed by Mrs Fuller, Clerk to the Town Council and the letter of objection from Mrs Elizabeth Davies.

Legislation

You will of course know that the community right to bid was introduced as part of the Localism Act 2011 ("the Act") and allows land or buildings to be nominated as an Asset of Community Value. The legal test relating to the listing of community value is contained with Section 88 of the Act.

Section 88(1) provides:

"for the purposes of this chapter but subject to regulations under sub section (3) a building or other land in an 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 ancillary use furthers the social wellbeing or social interests of the local community; and*

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(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"*

Section 88(2)(3) provides for possible exemptions in terms of time period for the continued use and the provision for the making of regulations.

The Act is supplemented by regulations, in this case the Assets of Community Value (England) Regulations 2012 ("the 2012 Regulations").

As such, the application to list the Post Office as an ACV falls to be considered under Part 5 of Chapter 3 of the Act and the 2012 Regulations. Schedule 1 of the 2012 Regulations sets out a number of exemptions whereby land may not be listed as an ACV, including regulation 4 where land is "operational land" as defined by Section 263 of the Town and Country Planning Act (1990 Act). In this instance, the land comprising the Post Office at Great Dunmow is "operational land" for the purposes of Section 262, 263 and 264 of the 1990 Act. The Post Office includes a sorting counter and staff perform functions with the Royal Mail by accepting and processing mail for sorting into the Royal Mail's network. In addition, the Post Office is operational land as it is used by a universal postal service provider in accordance with Section 263(2E) of the 1990 Act. For the purposes of that section, we confirm that Post Office Limited is associated with the Royal Mail. As set out above, Post Office Limited acts as the Royal Mail's agent in accepting and processing mail within the postal service and it is therefore providing services integral to the business of the Royal Mail.

In the circumstances, we trust this is sufficient information for Uttlesford District Council to confirm that, in accordance with Schedule 1 of the 2012 Regulations, this Post Office at Great Dunmow will not be listed as an ACV after the present listing expires in December,

Please acknowledge safe receipt of this letter and, confirm that it will be placed before the Council's cabinet on 30 November.

We look forward to hearing from you.

Yours faithfully

Womble Bond Dickinson (UK) LLP