

Public Document Pack



Supplement 1

Dear Councillor

COMMUNITY AND HEALTH COMMITTEE - MONDAY, 14TH MARCH, 2016

I am now able to enclose, for consideration at next Monday, 14th March, 2016 meeting of the Community and Health Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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|----|---|
| 3. | <u>Report and Appendices - Proposal as Asset of Community Value - Wharf Road Green</u> (Pages 3 - 24) |
| 4. | <u>Report and Appendices - Proposal as Asset of Community Value - La Plata Wood</u> (Pages 25 - 46) |
| 5. | <u>Appendix A – nomination form - Proposal as Asset of Community Value - Land off Honeypot Lane</u> (Pages 47 - 56) |

Yours sincerely



Head of Paid Service

Encs

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14 March 2016

Community & Health Committee

Asset of Community Value – Wharf Road Green

Report of: *Kim Anderson, Partnership, Leisure and Funding Manager*

Wards Affected: *All wards*

This report is: *Public*

1. Executive Summary

- 1.1.** The Localism Act 2011 requires local authorities to keep a list of assets (meaning buildings or other land) which are of community value. Once an asset is placed on the list it will usually remain there for five years. The effect of listing is that generally speaking an owner intending to dispose of the asset must give notice to the local authority. A community interest group then has six weeks in which to ask to be treated as a potential bidder. If it does so, the disposal cannot take place for six months. The theory is that this period known as the “moratorium” will allow the community group to come up with an alternative proposal- although, at the end of the moratorium, it is entirely up to the owner whether a disposal goes through, to whom and for how much. There are arrangements for the local authority to pay compensation to an owner who loses money in consequence of the asset being listed.
- 1.2.** A nomination has been received by the residents of Wharf Road, Rollason Way, Chase Road and St James Road (Rollason Chase neighbourhood Group) Monday 1 February 2016 (**Appendix A**), in relation to land at Wharf Road Green as indicated on the attached site plan (**Appendix B**)
- 1.3.** The report is for Members to list or not to list the land as an Asset of Community Value as indicated in **Appendix B**

2. Recommendations

That Members agree to:

- 2.1 Option 1: List the land (excluding 3m either side of the gas pipe and public sewer as this is operational land and therefore exempt from listing as a community asset) as indicated on Appendix B of the report as an Asset of Community Value; or**
- 2.2 Option 2: Not to list the land (excluding 3m either side of the gas pipe and public sewer as this operational land and therefore exempt from listing as a community asset) as indicated on Appendix B of the report as an Asset of Community Value.**

3. Introduction and Background

- 3.1** A report was presented to Policy, Performance and Resources Board on 7 December 2011 (min ref. 386) so that members were aware of the implications for the Council of the Localism Act 2011 which was given Royal Assent on 15 November 2011. Part of the Localism Act 2011 includes the ability for communities to be able to ask for community assets to be put on a register of 'Assets of Community Value'. These assets can include local pubs, shops, village halls, libraries and community centres.
- 3.2** A subsequent report was presented to Strategy and Policy Board on 20 November 2013 (min ref. 264) recommending that delegated authority to determine whether nominations should be included within the list of assets of community value, be given to the Head of Borough Health, Safety and Localism in consultation with the Chair of Strategy and Policy Board and relevant ward Councilors; and that the officer grade for carrying out and determining reviews be at Head of Service level or above.
- 3.3** The consultation part of the delegation was changed at Ordinary Council on 22 October 2014 (min. ref. 213) that the Communities Committee be granted delegated authority to determine applications/nominations for designation of Assets of Community Value. Should the timing of Committee meetings not permit that, the Head of Borough, Health Safety and Localism be granted delegated authority to determine applications/nominations for designation of assets of community value provided that such delegated authority is only exercisable after consultation with the Leader of the Council and any ward Members, which is why this determination is before Members tonight.

- 3.4 The Localism Act provides an opportunity for communities to raise finance to competitively bid when a community asset comes on the open market. This is achieved through a legal framework governed by the Local Authority. The Act allows communities to nominate assets of community value (ACV's). The council is given eight weeks to determine whether it meets the criteria for listing from the date of submission, and then places its decision on the list. When the owner of a listed asset wishes to dispose of it, the Act introduces a delay or 'moratorium' before he or she can do so, to give any interested and eligible community groups the time to prepare a bid. However at the end of the moratorium period the owner can sell to whomever they choose at a price agreed by the buyer.
- 3.5 The Council received a valid nomination (**Appendix A**) on 1 February 2016 from the residents local to La Plata Wood "Rollason Chase Community Group" in relation to the land as indicated on the attached site plan in **Appendix B**. The regulations made under the Localism Act 2011 require the Council to determine within 8 weeks whether to list the nominated asset. Therefore the deadline for a decision 28 March 2016 which is why this report is before Members tonight.
- 3.6 In broad outline the new provision under the Localism Act 2011 for listing an Asset of Community Value and subsequent disposal are set out in Appendix C. In particular Members are reminded of what is meant by a relevant disposal of a listed asset (see. 1.15 of **Appendix C**).

4. Issue, Options and Analysis of Options

- 4.1 The essential statutory test for an ACV is set out in Section 88 of the Localism Act 2011. It is for the local authority to judge whether the criteria are met (subject to any challenge by way of judicial review). The criteria are set out as follows:
- 4.2 **Is the nominating organisation an eligible body to nominate?** Officers have checked and confirmed that at least 21 of the name and addresses submitted as part of the unincorporated body nominees are listed on the Brentwood Borough Council Electoral Role and as such are an eligible body to nominate the land as an Asset of Community Value.
- 4.3 **Does the nominating body have a local connection to the asset?** Yes. The names and addresses listed live within the vicinity of the nominated land wishing to protect their environment.
- 4.4 **Does the nomination include the required information about the asset?** (This includes the proposed boundaries, names of the current

occupants of the land and names and current or last known address of those holding a freehold or leasehold estate on the land). All of the necessary information was supplied to the Council (see Nomination form) **Appendix A** and (site plan) **Appendix B**.

- 4.5 **Is the nominated asset outside one of the categories that cannot be assets of community value (a residence together with land associated with that residence; land in respect of which site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960; and operating land as defined in section 263 of the Town and Country Planning Act 1990).** The land indicated apart from the operational land indicated on the site map (gas pipe and public sewer near Kings Chase Road), is not one of the exempt categories that **cannot** be listed as an ACV, so this nomination cannot be ruled out on that principle.
- 4.6 **Is the current (or recent) usage which is subject of the nomination an actual and non-ancillary usage?** The current usage as submitted in the nomination form is as a green open space used by local residents. In the Land Register document the open spaces of the communal areas and facilities are subject to use for quiet enjoyment.
- 4.7 The Council also needs to consider if in their opinion **(a) an actual current 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.** They may take into account the following:
- 4.8 **What is the ‘local community’ of the asset as defined by geographical area?** Officers consider that this would include the Borough of Brentwood and the immediate surrounding areas.
- 4.9 **What is the current/recent use of the asset?** The nominated asset’s usage is as a green open space, for exercising and dog walking and access local amenities.
- 4.10 **How well is the asset used?** The nominee has stated that the green is extensively used as outside space for the people living in the neighbouring flats. The pathways surrounding it are accessible for pushchairs and wheelchairs.

- 4.11 **What will be the impact is the usage ceases?** The nominee has stated that this is the only green within the recent heavy development; all other green areas are distant and would require children to cross many busy roads.
- 4.12 **How does it meet the social interests of the community as a whole and not users/customers of a specific service?** *For information in the Act 'Social interests' includes each of the following – cultural interests, recreational interests and sporting interests.* The nominee has stated that the green is used for recreational interests by those people living in the neighbouring flats.
- 4.13 **How is the asset regarded by the local community (community consultation, evidence of support)?** The nominee has stated that it is regarded as an integral green area for local people particularly those with children.
- 4.14 Members also need to consider whether it is realistic to think that there can continue to be non-ancillary use of the asset which will further the social wellbeing or social interests of the local community.
- 4.15 The recent usage of the land at Wharf Road Green would suggest that it would seem reasonable that there can continue to be non-ancillary use of the asset which will further (whether or not in the same way as before) the social well being or social interests of the local community since there are examples of similar and comparable assets serving these interests elsewhere in the Borough.

5. Reasons for Recommendation

- 5.1 The report provides guidance to allow Members to make an informed decision as to whether to list the nominated asset as an Asset of Community Value.

6. References to Corporate Plan

- 6.1 Assets of Community Value sit under the Community and Health strand enabling communities to do more for themselves.

7. Implications

Financial Implications

Name & Title: Ramesh Prashar

Tel & Email 01277 312513 / ramesh.prashar@brentwood.gov.uk

- 7.1 Under the Assets of Community Value regulations the local authority is responsible for paying compensation in respect of listed assets within its area. There is no statutory cap on the amount of compensation that may be payable in respect of any one claim, and a local authority may face multiply claims in any one year. The Department for Communities and Local Government has issues guidance in relation to the Community Right to Bid. With regard to compensation claims, any individual or total payments of over £20k in a financial year will be funded by the government. In addition a New Burdens grant has been allocated to all administering councils to cover the costs associated with implementing the new scheme.
- 7.2 Whilst the funding from government will help to meet some of the costs of the new arrangements, local authorities will still be expected to fund the first £20k of any compensation payments.
- 7.3 The current balance in the Community Rights to Bid reserve has a balance of £45,642.

8.0 Legal Implications

Name & Title: Saleem Chughtai, Legal Services Manager

Tel & Email: 01277 312860 / saleem.chughtai@bdtlegal.org.uk

- 8.1 The Council has a statutory responsibility to comply with the provisions as set out in the Localism Act and the Regulations made under the Act, currently Assets of Community Value (England) Regulations 2012 SI 2421.

9.0 Equality and Diversity implications - The process will be fair and consistent for all members of the community and therefore it is not anticipated that there will be any direct impact on individual community groups or members.

10.0 Risk Management implications – The Council has a legal duty to comply with the legislation relating to Assets of Community Value.

11.0 Appendices to this report

Appendix A – Nomination of land off Wharf Road Green as an Asset of Community Value

Appendix B – Site Map

Appendix C – Provisions under the Localism Act 2011 relating to Assets of Community Value.

12.0 Background documents

Localism Act 2011

Brentwood Replacement Local Plan

Policy CP1 – General development Criteria

Policy H14 – Housing Density

Policy H16 Lifetime Homes

Policy LT8 Use of Redundant Institutional, Recreational and Community Buildings

Policy LT11 – Retention of Existing Community Facilities

Policy C5 Retention and Provision of landscaping and Natural Features in Development

Policy C6 Tree Preservation Orders and Works to Preserved Trees

Policy C7 Development affecting Preserved Trees, Ancient Woodland and Trees in Conservation Areas

Policy C14 Development Affecting Conservation Areas

Policy C16 Development within the vicinity of a listed building

Policy C18 Ancient Monument and Archaeological Sites

Policy T2 Development of Existing Urban Sites

Report Author Contact Details:

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Brentwood Borough Council

Assets of community value

Nomination form

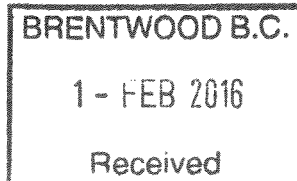
For including land on the List of Assets of Community Value

Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Brentwood Borough Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination. For information and guidance about how Brent Council considers nominations for assets of community value, please visit WEB PAGE link

Completed forms should be sent either via email to localism@brentwood.gov.uk or by post to:

Community Assets Register
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY



1. About your Organisation

a) Contact Details

Name of your organisation:	Residents of Wharf Road, Rollason Way, Chase Road & St James Road (Rollason Chase neighbourhood group)
Address:	Chase Road, Brentwood, Essex CM14 4LG
Name of Contact Person:	Jason Laplain
Phone:	
Email:	

b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- A neighbourhood forum
- An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- A charity
- A company limited by guarantee which does not distribute surplus to members
- An industrial and provident society which does not distribute surplus to members
- A community interest company.

Also please demonstrate how a 'local connection' exists namely how your organisation's activities are wholly or partly concerned with the local authority's area or with a neighbouring borough's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Brent, or a neighbouring borough.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	Unincorporated group of residents
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Registration Number(s):	n/a
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2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

n/a

- Please describe how your organisation has a local connection to the area where the asset has been identified:

We all live on the perimeter of the area and its surrounding roads.

2. About the Asset

a) Please give your reasons why Brentwood Borough Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. An actual current use of the building or other land (which is not ancillary use) furthers the social wellbeing or social interests of the local community and
2. 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

3. There is a time in the recent past when an actual use of the building or other land (that was not an ancillary use of the building or other land) furthered the social wellbeing or social interests of the local community and
4. It is realistic to think there is a time in the next five years (where 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

Please provide information below which supports your nomination having regard to the test set out above.

The area allows residents – many of whom dwell in apartments - to exercise and enjoy some green land.

The area was designed as a green open space and we wish to keep it that way.

b) Description of the nominated land including its proposed boundaries



The piece of land between Wharf Road, La Plata Wood and Rollason Way (Wharf Road Green).

c) Names of current occupants of land

Essex County Council, County Hall, Market Road, Chelmsford, Essex CM1 1QH

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the land

n/a

b) Description of the nominated land including its proposed boundaries



The piece of land between Wharf Road, La Plata Wood and Rollason Way (Wharf Road Green).

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1.1 Process for Listing Community Assets

- 1.2** The first step is for a community group to identify a building or other land that they believe to be of importance to their community's well-being and nominate it for listing by the local authority. The local authority must determine a nomination for listing in 8 weeks.
- 1.3** Only voluntary and community organisations with a local connection (as defined in the Regulations), and local Parish Councils, may make nominations for community assets to be listed.
- 1.4** The local authority must inform the landowner that a nomination has been received.
- 1.5** A local authority must maintain a list of land in its area which is land of community value. If a nominated asset meets the definition of an ACV as set out in the Act, the local authority must add it to the list.
- 1.6** If the authority refuses the nomination they must provide written reasons why it has been refused.
- 1.7** There are some exemptions from listing. Notably residential premises may not be listed (but not living quarters which are integral part of an asset such as a pub or shop which is otherwise eligible for listing).
- 1.8** The provisions require a local authority to notify the owner(s), occupier(s), nominator(s) and local parish council of any decision to list an asset. The local authority is also required to maintain a list of unsuccessful community nominations, and provide reasons to the nominator for any decision not to list an asset.
- 1.9** The owner of an asset may require an internal review of a listing decision by the local authority. The owner has 8 weeks from notification of the listing decision to request a review.
- 1.10** The review must be completed within 8 weeks (unless otherwise agreed with the owner). It must be carried out by an officer who did not take any part in making the listing decision. The review process may include an oral hearing, and must do so if the owner requests that it does.
- 1.11** If the review upholds the listing the owner may appeal to the First Tier Tribunal.

Provisions under the Localism Act 2011 relating to Assets of Community Value

- 1.12** There are no similar rights of review or appeal for community groups. A community group's only mechanism for challenging a decision by a local authority not to list an asset is a judicial review.
- 1.13** Assets must be removed from the list after 5 years. Prior to removal officers must write to interested community organizations. Community groups may nominate the asset for re-inclusion on the list.
- 1.14 Disposal of a listed asset**
- 1.15** If an asset is listed, the owner must notify the local authority of any proposed to make a relevant disposal.
- 1.16** A relevant disposal of a listed asset is the sale of the freehold, or the grant or assignment of a lease for 25 years or more, but only where the disposal will give the new owner 100% vacant possession. (A limited number of disposals, such as transfer by way of gift, within a family, due to inheritance or where the asset forms part of a larger estate are exempt and can place unimpeded by the community right to bid.)
- 1.17** On receipt of notification, the local authority must inform the community group which nominated the asset for listing and publicise the proposal to dispose generally in the area where the asset is situated.
- 1.18** The owner's notification triggers an initial moratorium on the disposal for an initial period of 6 weeks. If during these 6 weeks a community group states an intention to itself bid for the asset the full 6 month moratorium on the disposal is triggered.
- 1.19** The asset may be sold to a community group during this 6 month moratorium.
- 1.20** There is no community right to buy the asset, just to bid. At the end of the 6 month period the asset can be sold on the open market. At this point community groups have the same rights as any other bidders. The community right to bid does not restrict who the owner of the asset can sell his property to, or at what price. This means that the local community bid may not be the successful one.
- 1.21** The owner is also at liberty to negotiate a sale with a preferred buyer during the moratorium period: but the sale cannot be **concluded** during that period.

Provisions under the Localism Act 2011 relating to Assets of Community Value

- 1.22** Where the sale of an asset has been announced but not yet concluded, it is still possible for a group to seek to list it. If a sale is agreed before the asset appears on the list, there would be no opportunity for a group to put in a bid; but if the asset is listed before a sale is agreed, the moratorium provisions still apply.
- 1.23** If the owner wishes to claim compensation for any loss or expense following from compliance with the process he must do so within 13 weeks.
- 1.24** The owner of the land may ask for a review of the compensation decision and the Council will undertake a review and give written notification of the decision of the review and the reasons for the decision. The owner of the land is entitled to appeal to the First-Tier Tribunal against the decision.
- 1.25** It is likely that not all potential assets of community value will be identified and listed from the outset and that a community group may only become concerned about a particular property when it becomes aware that its disposal is proposed. An application for listing does not trigger any moratorium on the disposal.

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14 March 2016

Community & Health Committee

Asset of Community Value – La Plata Wood

Report of: *Kim Anderson, Partnership, Leisure and Funding Manager*

Wards Affected: *Brentwood West*

This report is: *Public*

1. Executive Summary

1.1. The Localism Act 2011 requires local authorities to keep a list of assets (meaning buildings or other land) which are of community value. Once an asset is placed on the list it will usually remain there for five years. The effect of listing is that generally speaking an owner intending to dispose of the asset must give notice to the local authority. A community interest group then has six weeks in which to ask to be treated as a potential bidder. If it does so, the disposal cannot take place for six months. The theory is that this period known as the “moratorium” will allow the community group to come up with an alternative proposal- although, at the end of the moratorium, it is entirely up to the owner whether a disposal goes through, to whom and for how much. There are arrangements for the local authority to pay compensation to an owner who loses money in consequence of the asset being listed.

1.2. A nomination has been received by the residents local to La Plata Wood “Rollason Chase Community Group” on Monday 1 February 2016 (**Appendix A**), in relation to land at La Plata Wood as indicated on the attached site plan (**Appendix B**)

1.3. The report is for Members to list or not to list the land as an Asset of Community Value as indicated in **Appendix B**

2. Recommendations

That Members agree to:

2.1 Option 1: List the land as indicated on Appendix B of the report as an Asset of Community Value; or

2.2 Option 2: Not to list the land as indicated on Appendix B of the report as an Asset of Community Value.

3. Introduction and Background

- 3.1 A report was presented to Policy, Performance and Resources Board on 7 December 2011 (min ref. 386) so that members were aware of the implications for the Council of the Localism Act 2011 which was given Royal Assent on 15 November 2011. Part of the Localism Act 2011 includes the ability for communities to be able to ask for community assets to be put on a register of 'Assets of Community Value'. These assets can include local pubs, shops, village halls, libraries and community centres.
- 3.2 A subsequent report was presented to Strategy and Policy Board on 20 November 2013 (min ref. 264) recommending that delegated authority to determine whether nominations should be included within the list of assets of community value, be given to the Head of Borough Health, Safety and Localism in consultation with the Chair of Strategy and Policy Board and relevant ward Councilors; and that the officer grade for carrying out and determining reviews be at Head of Service level or above.
- 3.3 The consultation part of the delegation was changed at Ordinary Council on 22 October 2014 (min. ref. 213) that the Communities Committee be granted delegated authority to determine applications/nominations for designation of Assets of Community Value. Should the timing of Committee meetings not permit that, the Head of Borough, Health Safety and Localism be granted delegated authority to determine applications/nominations for designation of assets of community value provided that such delegated authority is only exercisable after consultation with the Leader of the Council and any ward Members, which is why this determination is before Members tonight.
- 3.4 The Localism Act provides an opportunity for communities to raise finance to competitively bid when a community asset comes on the open market. This is achieved through a legal framework governed by the Local Authority. The Act allows communities to nominate assets of community value (ACV's). The council is given eight weeks to determine whether it meets the criteria for listing from the date of submission, and then places its decision on the list. When the owner of a listed asset wishes to dispose of it, the Act introduces a delay or 'moratorium' before he or she can do so, to give any interested and eligible community groups the time to prepare a bid. However at the end of the moratorium period the owner can sell to whomever they choose at a price agreed by the buyer.

3.5 The Council received a valid nomination (**Appendix A**) on 1 February 2016 from the residents local to La Plata Wood “Rollason Chase Community Group” in relation to the land as indicated on the attached site plan in **Appendix B**. The regulations made under the Localism Act 2011 require the Council to determine within 8 weeks whether to list the nominated asset. Therefore the deadline for a decision 28 March 2016 which is why this report is before Members tonight.

3.6 In broad outline the new provision under the Localism Act 2011 for listing an Asset of Community Value and subsequent disposal are set out in Appendix C. In particular Members are reminded of what is meant by a relevant disposal of a listed asset (see. 1.15 of **Appendix C**).

4. Issue, Options and Analysis of Options

4.1 The essential statutory test for an ACV is set out in Section 88 of the Localism Act 2011. It is for the local authority to judge whether the criteria are met (subject to any challenge by way of judicial review). The criteria are set out as follows:

4.2 **Is the nominating organisation an eligible body to nominate?** Officers have checked and confirmed that at least 21 of the name and addresses submitted as part of the unincorporated body nominees are listed on the Brentwood Borough Council Electoral Role and as such are an eligible body to nominate the land as an Asset of Community Value.

4.3 **Does the nominating body have a local connection to the asset?** Yes. The names and addresses listed live within the vicinity of the nominated land wishing to protect their environment.

4.4 **Does the nomination include the required information about the asset?** (This includes the proposed boundaries, names of the current occupants of the land and names and current or last known address of those holding a freehold or leasehold estate on the land). All of the necessary information was supplied to the Council (see Nomination form) **Appendix A** and (site plan) **Appendix B**.

4.5 **Is the nominated asset outside one of the categories that cannot be assets of community value (a residence together with land associated with that residence; land in respect of which site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960; and operating land as defined in section 263 of the Town and Country Planning Act 1990).** The land indicated is not

one of the exempt categories that **cannot** be listed as an ACV, so this nomination cannot be ruled out on that principle.

- 4.6 **Is the current (or recent) usage which is subject of the nomination an actual and non-ancillary usage?** The current usage as submitted in the nomination form is an historic woodland and contributes to the Brentwood Community by providing green space, wooded areas and wildlife habitat.
- 4.7 The Council also needs to consider if in their opinion **(a) an actual current 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.** They may take into account the following:
- 4.8 **What is the ‘local community’ of the asset as defined by geographical area?** Officers consider that this would include the Borough of Brentwood and the immediate surrounding areas.
- 4.9 **What is the current/recent use of the asset?** The nominated asset’s usage is a historic woodland and provides green space, wooded areas and wildlife habitat.
- 4.10 **How well is the asset used?** The nominee has stated that La Plata Wood is used regularly used by dog walkers, for people to gain a scenic route to London Road, and nature walks have been arranged in the past.
- 4.11 **What will be the impact is the usage ceases?** The nominee has stated that the development of La Plata Wood would mean the loss of a unique wooded area within walking distance of an already heavily developed area.
- 4.12 **How does it meet the social interests of the community as a whole and not users/customers of a specific service?** *For information in the Act ‘Social interests’ includes each of the following – cultural interests, recreational interests and sporting interests.* The nominee has stated that any development of La Plata Wood would remove a feature of living in Brentwood compared with the urban areas of London.
- 4.13 **How is the asset regarded by the local community (community consultation, evidence of support)?** The nominee has stated that the wood provides an attractive feature for local residents and visitors alike, and it would be disappointing if it was lost to further development.

- 4.14 Members also need to consider whether it is realistic to think that there can continue to be non-ancillary use of the asset which will further the social wellbeing or social interests of the local community.
- 4.15 The recent usage of the land at La Plata Wood would suggest that it would seem reasonable that there can continue to be non-ancillary use of the asset which will further (whether or not in the same way as before) the social well being or social interests of the local community since there are examples of similar and comparable assets serving these interests elsewhere in the Borough.

5. Reasons for Recommendation

- 5.1 The report provides guidance to allow Members to make an informed decision as to whether to list the nominated asset as an Asset of Community Value.

6. References to Corporate Plan

- 6.1 Assets of Community Value sit under the Community and Health strand enabling communities to do more for themselves.

7. Implications

Financial Implications

Name & Title: Ramesh Prashar,

Tel & Email 01277 312513 / ramesh.prashar@brentwood.gov.uk

- 7.1 Under the Assets of Community Value regulations the local authority is responsible for paying compensation in respect of listed assets within its area. There is no statutory cap on the amount of compensation that may be payable in respect of any one claim, and a local authority may face multiply claims in any one year. The Department for Communities and Local Government has issues guidance in relation to the Community Right to Bid. With regard to compensation claims, any individual or total payments of over £20k in a financial year will be funded by the government. In addition a New Burdens grant has been allocated to all administering councils to cover the costs associated with implementing the new scheme.
- 7.2 Whilst the funding from government will help to meet some of the costs of the new arrangements, local authorities will still be expected to fund the first £20k of any compensation payments.

7.3 The current balance in the Community Rights to Bid reserve has a balance of £45,642.

8.0 Legal Implications

Name & Title: Saleem Chughtai, Legal Services Manager

Tel & Email: 01277 312860 / saleem.chughtai@bdlegal.org

8.1 The Council has a statutory responsibility to comply with the provisions as set out in the Localism Act and the Regulations made under the Act, currently Assets of Community Value (England) Regulations 2012 SI 2421.

9.0 Equality and Diversity implications - The process will be fair and consistent for all members of the community and therefore it is not anticipated that there will be any direct impact on individual community groups or members.

10.0 Risk Management implications – The Council has a legal duty to comply with the legislation relating to Assets of Community Value.

11.0 Appendices to this report

Appendix A – Nomination of land at La Plata Wood as an Asset of Community Value

Appendix B – Site Maps

Appendix C – Provisions under the Localism Act 2011 relating to Assets of Community Value.

12.0 Background documents

Localism Act 2011

Brentwood Replacement Local Plan

Policy CP1 – General development Criteria

Policy H14 – Housing Density

Policy H16 Lifetime Homes

Policy LT8 Use of Redundant Institutional, Recreational and Community Buildings

Policy LT11 – Retention of Existing Community Facilities

Policy C5 Retention and Provision of landscaping and Natural Features in Development

Policy C6 Tree Preservation Orders and Works to Preserved Trees

Policy C7 Development affecting Preserved Trees, Ancient Woodland and Trees in Conservation Areas

Policy C14 Development Affecting Conservation Areas

Policy C16 Development within the vicinity of a listed building

Policy C18 Ancient Monument and Archaeological Sites

Policy T2 Development of Existing Urban Sites

Report Author Contact Details:

Name: Kim Anderson

Telephone: 01277 312634

E-mail: kim.anderson@brentwood.gov.uk

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Brentwood Borough Council

Assets of community value

Nomination form

For including land on the List of Assets of Community Value

Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Brentwood Borough Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination. For information and guidance about how Brent Council considers nominations for assets of community value, please visit [WEB PAGE](#) link

Completed forms should be sent either via email to localism@brentwood.gov.uk or by post to:

Community Assets Register
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

1. About your Organisation

a) Contact Details

Name of your organisation:	Residents local to La Plata Wood "Rollason Chase Community Group"
Address:	
	Chase Road, Brentwood, Essex CM14 4LG
Name of Contact Person:	Jason Laplain
Phone:	
Email:	

b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- A neighbourhood forum
- An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- A charity
- A company limited by guarantee which does not distribute surplus to members
- An industrial and provident society which does not distribute surplus to members
- A community interest company.

Also please demonstrate how a 'local connection' exists namely how your organisation's activities are wholly or partly concerned with the local authority's area or with a neighbouring borough's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Brent, or a neighbouring borough.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	Unincorporated organisation (Resident Group)
--------------------	--

Registration Number(s):	n/a
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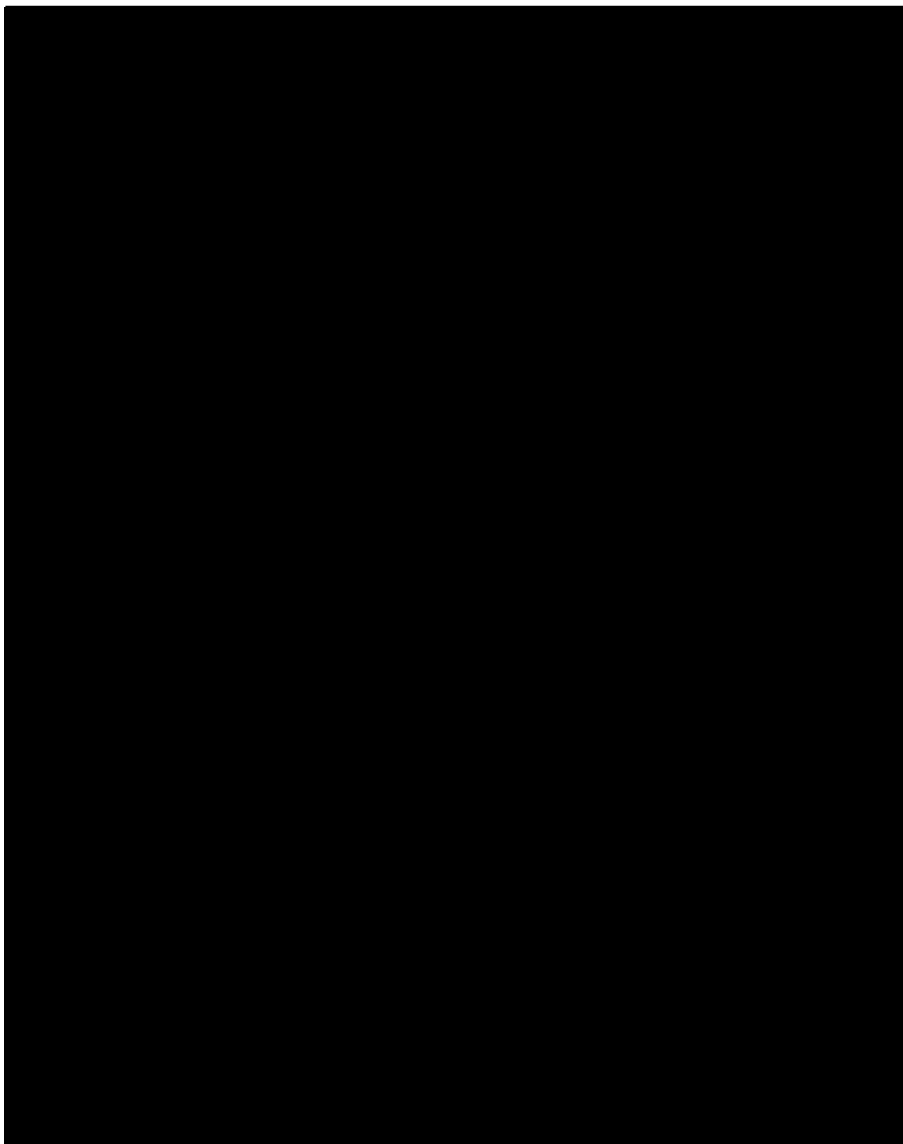
2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

n/a

3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

We come together as a group of residents wishing to protect our environment.

The following residents and business owners are supportive of the area being a community asset:



1. Please describe how your organisation has a local connection to the area where the asset has been identified:

We all live or own a business or property on the perimeter of the area and its surrounding roads.

2. About the Asset

a) Please give your reasons why Brentwood Borough Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. An actual current use of the building or other land (which is not ancillary use) furthers the social wellbeing or social interests of the local community and
2. 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

3. There is a time in the recent past when an actual use of the building or other land (that was not an ancillary use of the building or other land) furthered the social wellbeing or social interests of the local community and
4. It is realistic to think there is a time in the next five years (where 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

Please provide information below which supports your nomination having regard to the test set out above.

La Plata Wood is a historic woodland and makes a significant contribution to the Brentwood community by providing green space, wooded areas, wildlife habitat and we feel it needs to be protected for future generations.

b) Description of the nominated land including its proposed boundaries



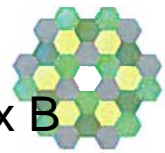
La Plata Wood (a rough indication is above).

c) Names of current occupants of land

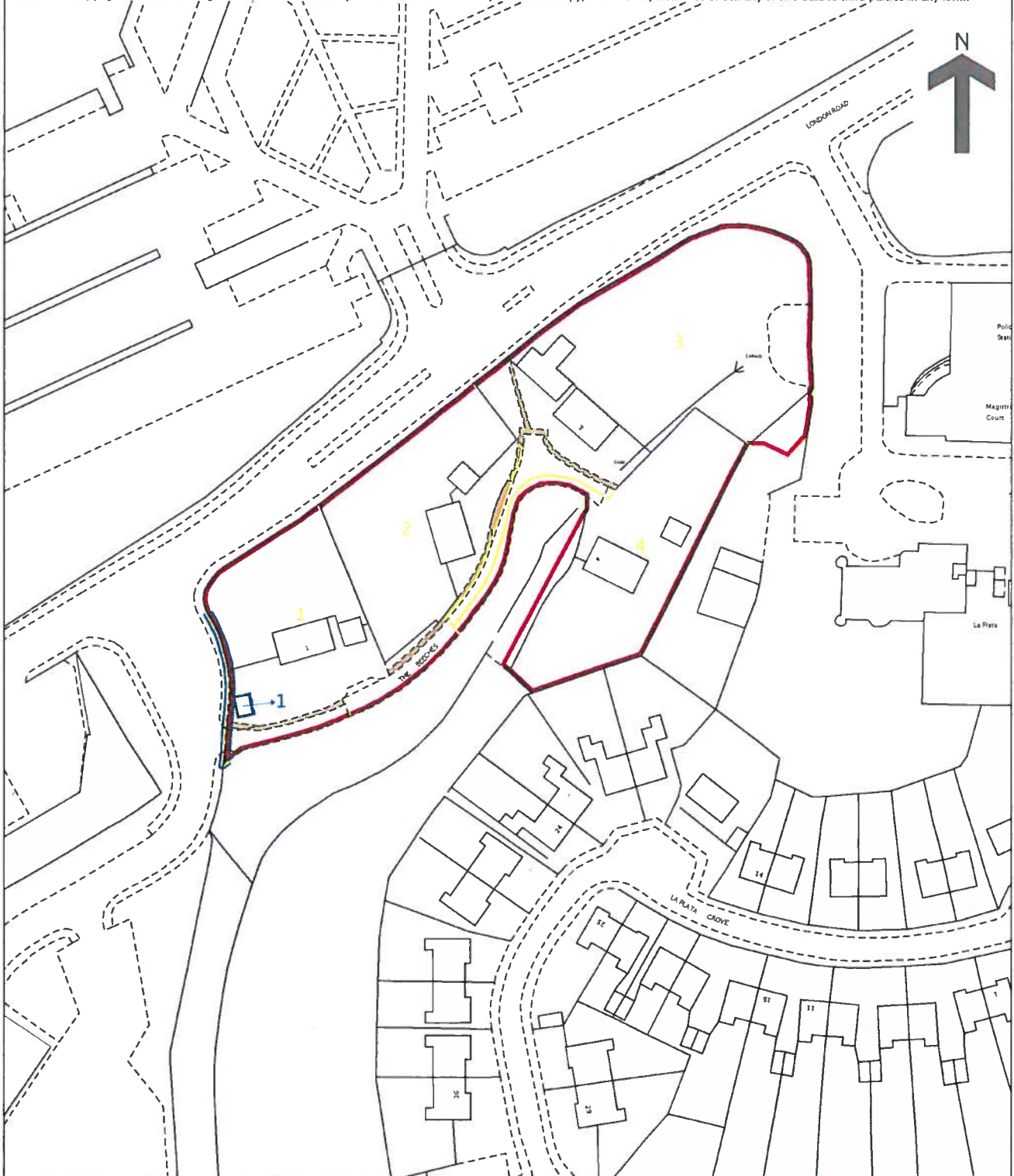
Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY.

Under registration EX330685

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the land



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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 03 March 2016 at 16:02:48. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Peterborough Office.

b) Description of the nominated land including its proposed boundaries



La Plata Wood (a rough indication is above).

1.1 Process for Listing Community Assets

- 1.2** The first step is for a community group to identify a building or other land that they believe to be of importance to their community's well-being and nominate it for listing by the local authority. The local authority must determine a nomination for listing in 8 weeks.
- 1.3** Only voluntary and community organisations with a local connection (as defined in the Regulations), and local Parish Councils, may make nominations for community assets to be listed.
- 1.4** The local authority must inform the landowner that a nomination has been received.
- 1.5** A local authority must maintain a list of land in its area which is land of community value. If a nominated asset meets the definition of an ACV as set out in the Act, the local authority must add it to the list.
- 1.6** If the authority refuses the nomination they must provide written reasons why it has been refused.
- 1.7** There are some exemptions from listing. Notably residential premises may not be listed (but not living quarters which are integral part of an asset such as a pub or shop which is otherwise eligible for listing).
- 1.8** The provisions require a local authority to notify the owner(s), occupier(s), nominator(s) and local parish council of any decision to list an asset. The local authority is also required to maintain a list of unsuccessful community nominations, and provide reasons to the nominator for any decision not to list an asset.
- 1.9** The owner of an asset may require an internal review of a listing decision by the local authority. The owner has 8 weeks from notification of the listing decision to request a review.
- 1.10** The review must be completed within 8 weeks (unless otherwise agreed with the owner). It must be carried out by an officer who did not take any part in making the listing decision. The review process may include an oral hearing, and must do so if the owner requests that it does.
- 1.11** If the review upholds the listing the owner may appeal to the First Tier Tribunal.

Provisions under the Localism Act 2011 relating to Assets of Community Value

- 1.12** There are no similar rights of review or appeal for community groups. A community group's only mechanism for challenging a decision by a local authority not to list an asset is a judicial review.
- 1.13** Assets must be removed from the list after 5 years. Prior to removal officers must write to interested community organizations. Community groups may nominate the asset for re-inclusion on the list.
- 1.14 Disposal of a listed asset**
- 1.15** If an asset is listed, the owner must notify the local authority of any proposed to make a relevant disposal.
- 1.16** A relevant disposal of a listed asset is the sale of the freehold, or the grant or assignment of a lease for 25 years or more, but only where the disposal will give the new owner 100% vacant possession. (A limited number of disposals, such as transfer by way of gift, within a family, due to inheritance or where the asset forms part of a larger estate are exempt and can place unimpeded by the community right to bid.)
- 1.17** On receipt of notification, the local authority must inform the community group which nominated the asset for listing and publicise the proposal to dispose generally in the area where the asset is situated.
- 1.18** The owner's notification triggers an initial moratorium on the disposal for an initial period of 6 weeks. If during these 6 weeks a community group states an intention to itself bid for the asset the full 6 month moratorium on the disposal is triggered.
- 1.19** The asset may be sold to a community group during this 6 month moratorium.
- 1.20** There is no community right to buy the asset, just to bid. At the end of the 6 month period the asset can be sold on the open market. At this point community groups have the same rights as any other bidders. The community right to bid does not restrict who the owner of the asset can sell his property to, or at what price. This means that the local community bid may not be the successful one.
- 1.21** The owner is also at liberty to negotiate a sale with a preferred buyer during the moratorium period: but the sale cannot be **concluded** during that period.

Provisions under the Localism Act 2011 relating to Assets of Community Value

- 1.22** Where the sale of an asset has been announced but not yet concluded, it is still possible for a group to seek to list it. If a sale is agreed before the asset appears on the list, there would be no opportunity for a group to put in a bid; but if the asset is listed before a sale is agreed, the moratorium provisions still apply.
- 1.23** If the owner wishes to claim compensation for any loss or expense following from compliance with the process he must do so within 13 weeks.
- 1.24** The owner of the land may ask for a review of the compensation decision and the Council will undertake a review and give written notification of the decision of the review and the reasons for the decision. The owner of the land is entitled to appeal to the First-Tier Tribunal against the decision.
- 1.25** It is likely that not all potential assets of community value will be identified and listed from the outset and that a community group may only become concerned about a particular property when it becomes aware that its disposal is proposed. An application for listing does not trigger any moratorium on the disposal.

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Brentwood Borough Council

Assets of community value

Nomination form

For including land on the List of Assets of Community Value

Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Brentwood Borough Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination. For information and guidance about how Brent Council considers nominations for assets of community value, please visit WEB PAGE link

Completed forms should be sent either via email to localism@brentwood.gov.uk or by post to:

Community Assets Register
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

1. About your Organisation

a) Contact Details

Name of your organisation:	Residents of Honeypot Lane, Hive Close, Weald Close, Weald Road, Hill Road and Langley Drive
Address:	██████████ Honeypot Lane, Brentwood, Essex, CM14 4QX
Name of Contact Person:	Malcolm Catlin
Phone:	██
Email:	██

b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- A neighbourhood forum
- An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- A charity
- A company limited by guarantee which does not distribute surplus to members
- An industrial and provident society which does not distribute surplus to members
- A community interest company.

Also please demonstrate how a 'local connection' exists namely how your organisation's activities are wholly or partly concerned with the local authority's area or with a neighbouring borough's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Brent, or a neighbouring borough.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	<i>Un constituted group of 21 residents</i>
--------------------	---

Registration Number(s):	<i>n/a</i>
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2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

None.

3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

Working together as a group to protect our area and keep its distinct nature of the lane and the Homesteads estate.

Name

Address

1)

2)

3)

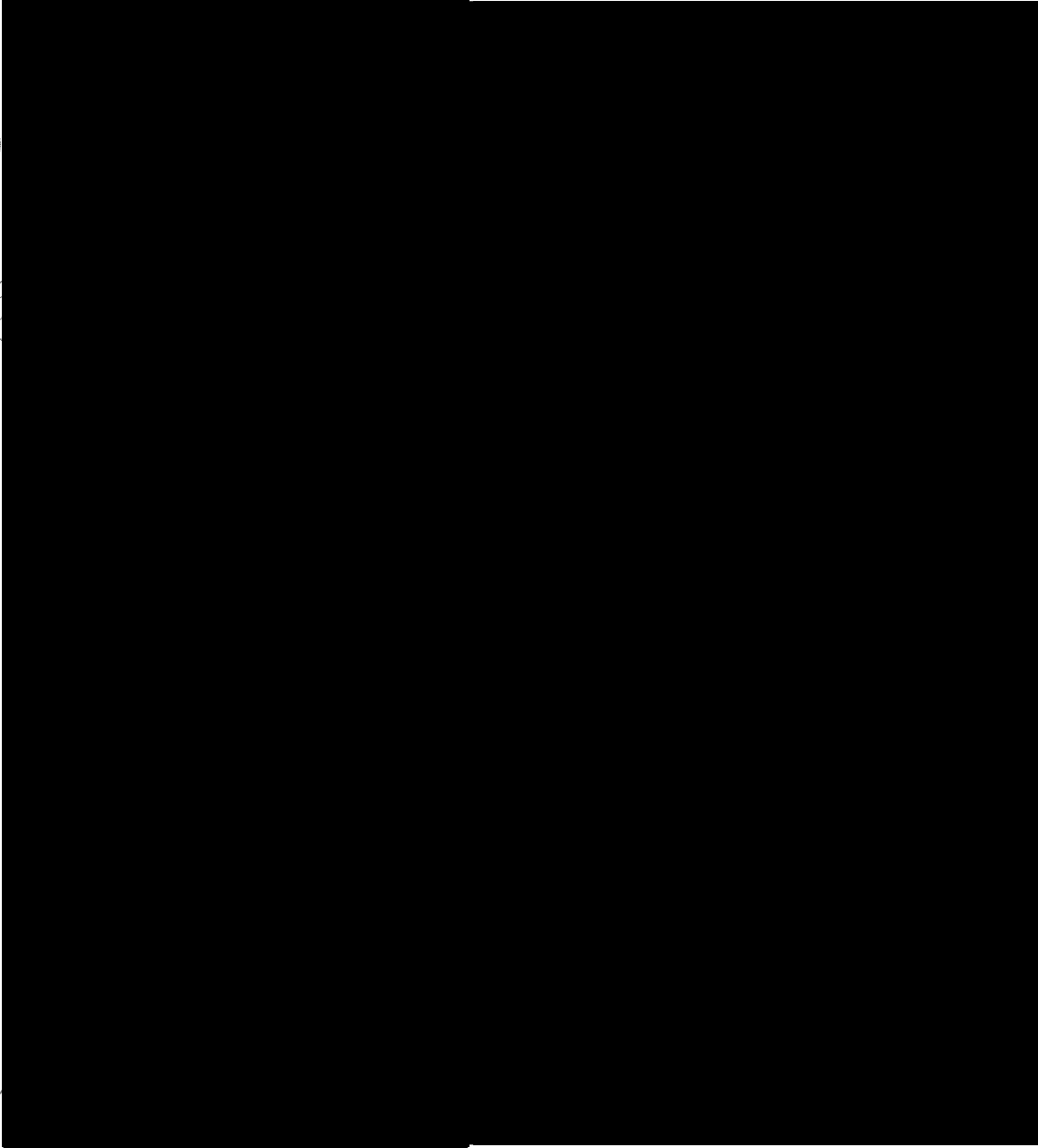
4)

5)

6)

7)

8)

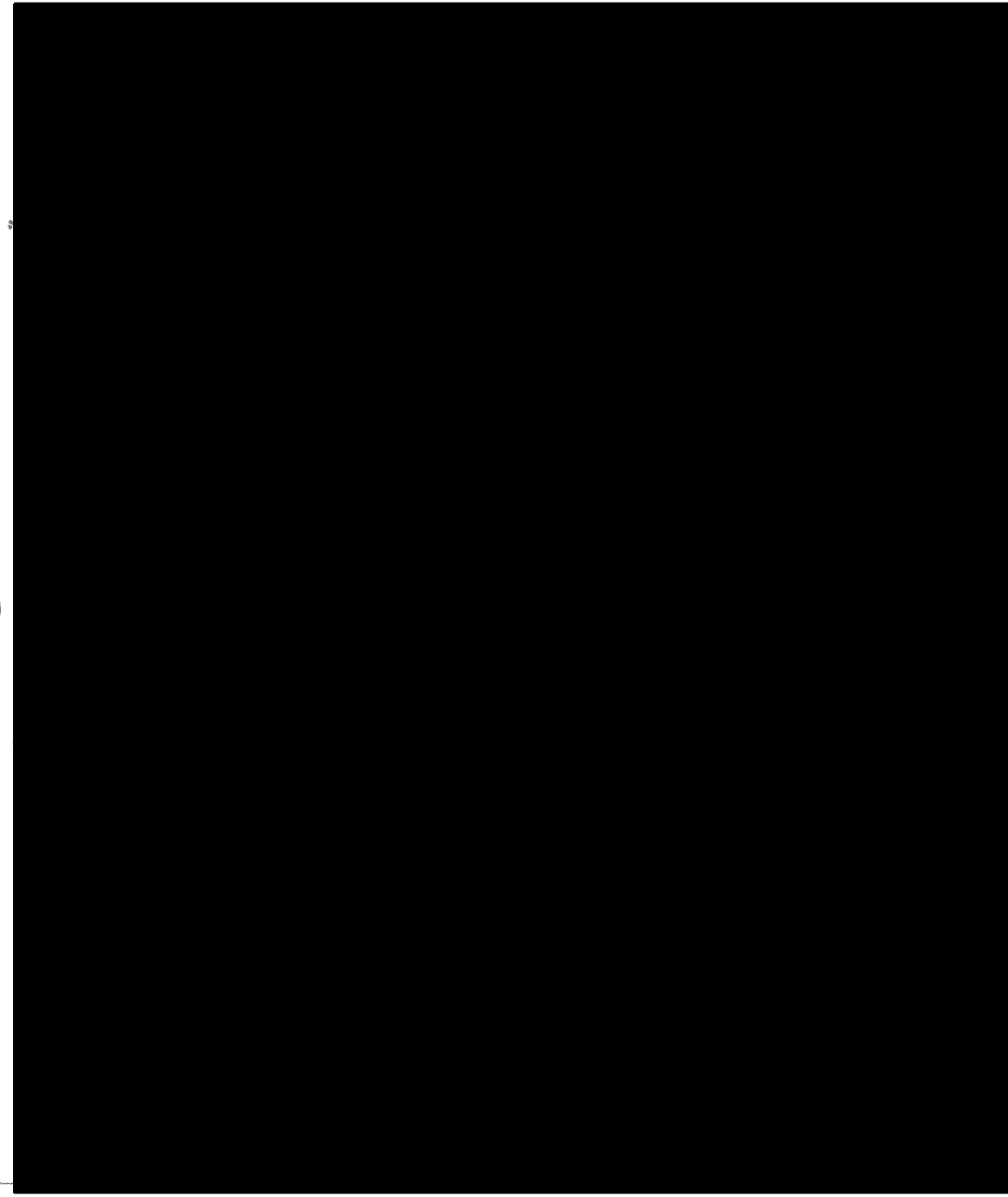


(A)

3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

Working together as a group to protect our area and keep its distinct nature of the lane and the Homesteads estate.

Name	Address
9)	
10)	
11)	
12)	
13)	
14)	
15)	
16)	
17)	
18)	

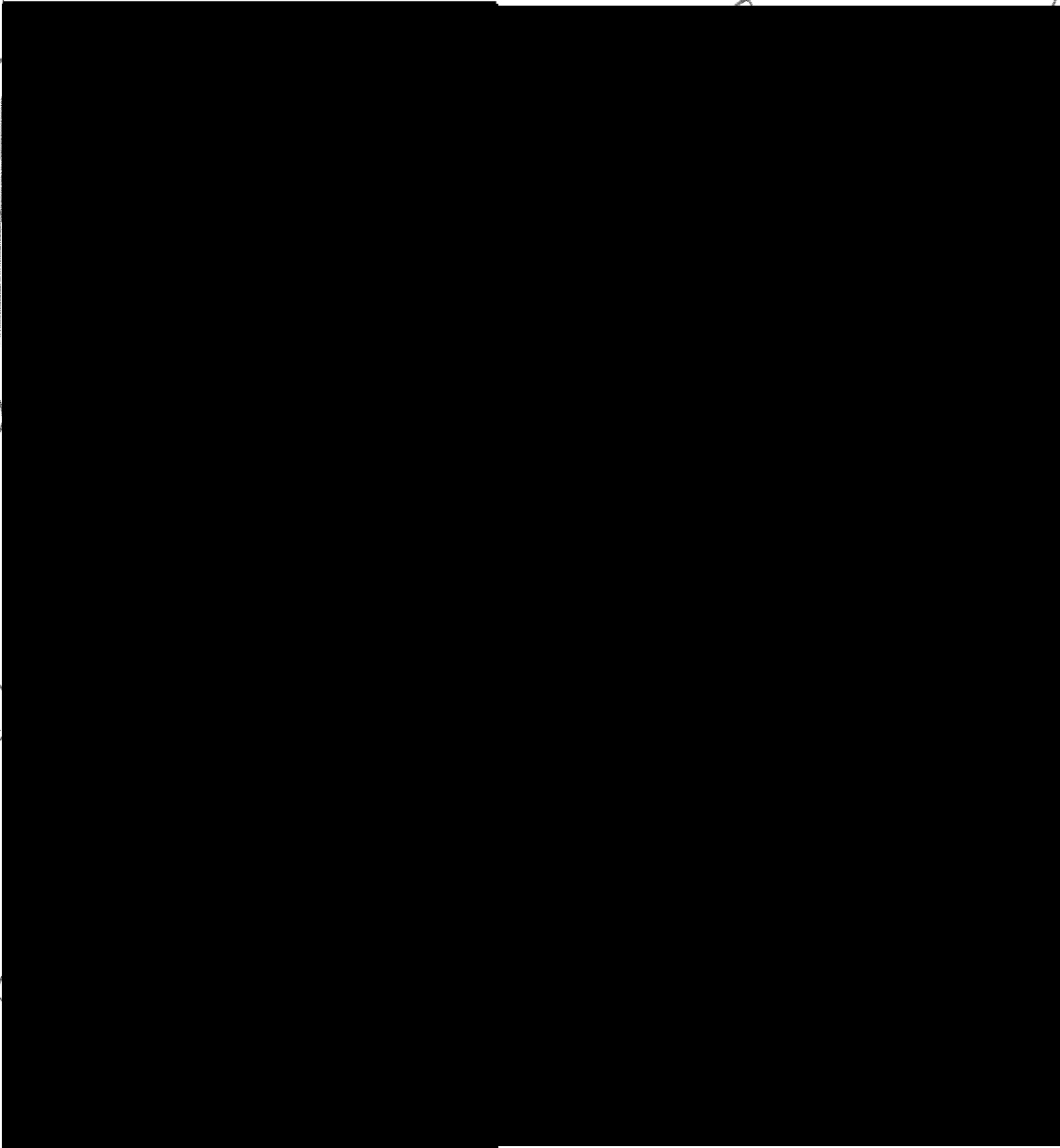


- 9)
- 10)
- 11)
- ~~12)~~
- ~~13)~~
- ~~14)~~
- ~~15)~~
- ~~16)~~
- ~~17)~~
- ~~18)~~

8

3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

Working together as a group to protect our area and keep its distinct nature of the lane and the Homesteads estate.



(S)

2. About the Asset

- a) Please give your reasons why Brentwood Borough Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. An actual current use of the building or other land (which is not ancillary use) furthers the social wellbeing or social interests of the local community and
2. 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

3. There is a time in the recent past when an actual use of the building or other land (that *was not an ancillary use of the building or other land*) *furthered the social wellbeing or social interests of the local community* and
4. It is realistic to think there is a time in the next five years (where 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

Please provide information below which supports your nomination having regard to the test set out above.

The area is a wildlife area that edges allotments and is part of the historic area of South Weald. The green open space is of benefit to the wellbeing of everyone in the community,

Residents in support of making the land off Honeypot Lane [site 022 in LDP) a
Community Asset

1. [Redacted]
2. [Redacted]
3. [Redacted]
4. [Redacted]
5. [Redacted]
6. [Redacted]
7. [Redacted]
8. [Redacted]
9. [Redacted]
10. [Redacted]
11. [Redacted]
12. [Redacted]
13. [Redacted]
14. [Redacted]
15. [Redacted]
16. [Redacted]
17. [Redacted]
18. [Redacted]
19. [Redacted]

20. [Redacted]
21. [Redacted]
22. [Redacted]
23. [Redacted]
24. [Redacted]
25. [Redacted]
26. [Redacted]
27. [Redacted]
28. [Redacted]
29. [Redacted]
30. [Redacted]
31. [Redacted]
32. [Redacted]
33. [Redacted]
34. [Redacted]
35. [Redacted]
36. [Redacted]
37. [Redacted]

[Empty box]

b) Description of the nominated land including its proposed boundaries

Land off Honeypot Lane as identified in the local development plan as site 022.

c) Names of current occupants of land

Managing Agent: Savills.
136 New London Road
CHEMSFORD.
CM2 0RG.

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the land

~~None known.~~

MR G. Miles
17 South Weald Road
Brentwood CM14 4GZ

