

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

RECORD OF STRATEGIC DIRECTOR'S DECISION
FOR ASSETS OF COMMUNITY VALUE

Land

Date of recommendation:	29/04/2021
Recommendation made by:	Neil Charlesworth
Decision maker:	Joanne Hyde – Strategic Director, Corporate Resources
Nominee:	Wycliffe Neighbourhood Association, nomination dated 15/03/2021.
Specific delegation:	Resolution of the Executive, 8 th September 2020.
Brief description of recommendation:	To list the above asset as Asset of Community Value on the grounds that the nomination meets the criteria and definition of an Asset of Community Value as set out in the Localism Act 2011.
Reports or parts of reports considered:	Recommended – To recommend that the nomination of the property known as Wycliffe Green Space as an Asset of Community Value be approved.



Signed by the decision maker: _

Name: Joanne Hyde

Job Title: Strategic Director, Corporate Resources

Date: 05/05/2021

Briefing Note

Subject: Consider whether Wycliffe Green Space, Shipley, should be added to the list of Assets of Community Value	Confidential: No
	Date: 29/04/2021

1. Summary of main issues

- 1.1 In line with the legislation set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, this report considers the nomination to add Wycliffe Green Space to the List of Assets of Community Value.
- 1.2 The Council has received a nomination from Wycliffe Neighbourhood Association. They are eligible to nominate the property.
- 1.3 Officers conclude that the property has a current use which furthers the social wellbeing and social interests of the local community, and it is realistic to think this use can continue. The property should therefore be added to the List of Assets of Community Value.

2. Recommendations

- 2.1 The Director of Corporate Resources is recommended to add Wycliffe Green Space to the List of Assets of Community Value.

3. Purpose of this report

- 3.1 The purpose of this report is for the Director of Corporate Resources to consider whether Wycliffe Green Space shown edged and hatched red on plan number ACV0087 should be included in the List of Assets of Community Value or whether it should be included on the List of Land Nominated by Unsuccessful Community Nominations in accordance with Part 5 Chapter 3 of the Localism Act 2011.

4. Background

- 4.1 Part 5 Chapter 3 of the Localism Act 2011 (the Act) details the legislation for Assets of Community Value and sets out the Community Right to Bid. The right came into force on 21st September 2012 and its purpose is to give communities a right to identify a property or land that is believed to further their social interests or social wellbeing and gives them a fair chance to make

a bid to purchase the property or land on the open market if the owner decides to sell. From the date the landowner informs the Council of their intention to sell, eligible community groups have a period of six weeks to confirm whether or not they wish to submit to bid to purchase the property or land. If they do inform the Council that they want to bid, the landowner is prevented from disposing of the property for a period of six months (from the date they originally informed the Council of their intention to sell) unless it is to a community organisation. The landowner is free to dispose of the property at the end of the six-month period to whomsoever they see fit.

4.2 Section 90 of the Act states if a local authority receives a “community nomination”, the authority must consider the nomination. The authority must accept the nomination if the land nominated is in the authority’s area and is of community value.

4.3 Only specified bodies with a local connection are able to submit nominations for property or land to be included in the List of Assets of Community Value:

- A Neighbourhood Forum;
- A Parish Council;
- An unincorporated body with 21 local people on the electoral roll that does not distribute any surplus it makes to its members;
- A company limited by guarantee which does not distribute any surplus it makes to its members;
- An industrial and provident society which does not distribute any surplus it makes to its members;
- A community interest company.

4.4 The nominator must be able to demonstrate and satisfy all of the listing criteria as laid down in the legislation. Section 88(1) states that buildings or land with a current use is considered to be of community value, if, in the opinion of the authority, there is:

- a) 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;
- 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) states that land does not meet the criteria laid out in 88(1) is of community value if in the opinion of the authority:

- a) 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;

b) 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.

4.5 It is important to note that if either of the criteria in Section 88(1) or (2) are met, then the Council must add the site to the List of Assets of Community Value.

5. Main Issues

5.1 A nomination to list land known as Wycliffe Green Space was received on 19th March 2021, submitted by Wycliffe Neighbourhood Association.

5.2 This report has been based on an assessment of the nomination form, a site visit by the case officer and consideration of comments received in response to notification of the nomination.

5.3 Wycliffe Neighbourhood Association is an unincorporated body and checks have been carried out on the names and addresses provided of its members to confirm that at least 21 of them are on the electoral roll in Bradford. The group does not distribute any surplus it makes to its members. The group is therefore eligible to nominate, as specified in paragraph 5(1)(d) of the Assets of Community Value (England) Regulations 2012 and a voluntary or community body with a local connection as specified in Section 89(2)(b)(iii) of the Act.

5.4 Wycliffe Green Space (shown edged and shaded red on the attached plan number ACV0087) is located in Shipley Ward. The land is currently owned by Incommunities Ltd and is adjacent to Wycliffe Gardens Residential flats. The nominated land is the green space situated to the rear of the residential buildings and is currently used for recreational purposes.

5.5 Ward members, Shipley Town Council, the local ward officer and the owners have been made aware of the nomination. Each of the ward members replied confirming their support for the nomination and the ward officer sent an acknowledgement. No further comments have been received.

5.6 For a property to be added to The List of Assets of Community Value, the nominator must demonstrate that a current non-ancillary use furthers the social interests and social wellbeing of the local community and that it is realistic to think that it can continue to do so whether or not in the same way.

Does a current non-ancillary use further the social interests or social wellbeing of the local community?

5.7 In their nomination Wycliffe Neighbourhood Association state that the subject land has been a valued open space for many generations, for cultural, recreational, and for informal sporting interests. They set out that it has been

used for over 50 years continually as a place for local children to play and take part in informal sporting activities, and includes many quotes from local residents setting out how they played on the land. The land has also been used for organised events such as bonfires during the 1970s and 80s and a council run play pod was on site during 2009.

- 5.8 The nomination goes on to detail that the land has been formally recognized as a valuable asset as part of Bradford Council's Core Strategy Development Plan adopted July 2017, p211, policy EN1 and in the current plan (the Replacement Urban District Plan adopted in 2005) the area is designated as 'Recreation Open Space'. There is evidence that the green space has had a continual non-ancillary use that has furthered the social interests or social wellbeing of the local community during that time.
- 5.9 During their site visit the assessing officer observed children playing football and people using the land to walk their dogs over.
- 5.10 No information has been provided to suggest any other uses of the land and no other uses were evident during the site visit.
- 5.11 Given the nature of the land it is considered that it is most likely used by people who live in the immediate local area and the quotes provided in the nomination form are from local residents.
- 5.12 Officers are therefore of the view that the uses set out above show that the land has a current non-ancillary use which furthers the social interests and social wellbeing of the local community.

Is it 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?

- 5.13 The land has been in continual use as green space for the benefit of the local community for many years. No information has been provided to evidence that the current owner intends to put the land to another use or to dispose of it for another use. There are two comments in the quotes from local residents in the nomination form which suggest that those individuals believe the land is being considered for development. However, in the absence of any further information and considering the current planning designation, it is considered unlikely to be true. In any case, even if there were proposals to develop the land, there is no planning consent in place and it would be some time before any work could commence. During such time the current use would most likely continue. It is therefore considered realistic to think that the current use of the land will continue.
- 5.14 The nominator is eligible to make a nomination and the subject land is considered to have a current non-ancillary use which furthers the social wellbeing and social interests of the local community and it is realistic to think that use will continue. Therefore, the land can be considered to be of community value and should be added to the List of Assets of Community Value.

5.15 The criteria for adding a property to the List of Assets of Community Value as set out in paragraph 88(1) of the Localism Act 2011 is considered to have been met in this case and the property should be added to the List of Assets of Community Value.

6. Financial, HR, Communications issues (including value for money)

6.1 There are no financial, HR, communication or value for money issues other than in certain circumstances the owner of a listed property can claim compensation from the local authority.

6.2 Should an appeal be made to the First-Tier tribunal by the owner against a listing this can have an impact on costs and staff resources.

7. Other Implications

7.1 There are no equality & diversity, sustainability, greenhouse gas emissions, community safety, Human Rights Act or Trade Union implications.

8. Recommendations

8.1 The Director of Corporate Resources is recommended to add Wycliffe Green Space to the List of Assets of Community Value.

9. Background documents

9.1 Plan number ACV0087.

9.2 Wycliffe Green Space, Nomination Form.

Report Sponsor: Neil Charlesworth	Contact Officer: Simon Sharp
	Telephone: 01274 431863