

RIBBLE VALLEY BOROUGH COUNCIL



NOTICE UNDER SECTION 91 AND 93 OF THE LOCALISM ACT 2011 IN RESPECT OF COMMUNITY NOMINATION OF LAND AT CHAPEL HILL, LONGRIDGE

The Nomination

On or about the 6 December 2012, Ribble Valley Borough Council received a Nomination under Section 89 of the Localism Act 2011 (the Act) to list an area of open space adjacent to Chapel Hill, Longridge, Preston PR3 2YB as an Asset of Community Value (the Land).

The Nomination was made by Longridge Town Council. A copy of the Nomination is attached at Appendix 1 and a plan showing the boundaries of the nominated land is attached at Appendix 2. The owners/occupiers of the land have been informed by the Council that a nomination has been received. A copy of their representation is attached as Appendix 3.

A summary of the request for nomination is set out below.

- a) The land is an area to the rear of Chapel Cottages, Longridge.
- b) The land is owned by United Utilities and is adjacent to a reservoir.
- c) There is no public access to the land.
- d) The land forms part of a scheme in respect of which a planning application has been granted (reference 3/2011/1071/P) which permits residential development on the site and includes an area of open land which will be accessible to the public.
- e) The land is currently used as grazing land and is subject to an agricultural tenancy.

The Law and Statutory Guidance

Under Section 87 of the Act, the Council must maintain a list of Land of Community Value in its area. The Council must also, pursuant to Section 93, maintain a list of land which is the subject of an unsuccessful community nomination.

A community nomination in England can only be made by either a Parish Council in respect of land within its area, or by a person that is a voluntary or community body with a local connection. Where a voluntary community nomination is made, the Council must consider it and must accept the nomination if the land is within its area and is of community value.

Decision and Reasons

The Council has decided that the nomination by Longridge Town Council is unsuccessful. The land will therefore be placed on the list of land which is the subject of an unsuccessful Community Nomination.

The reasons for this decision are as follows:

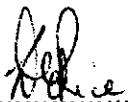
a) The Council is satisfied that the nomination was validly made for the following reasons:

1. The land falls within the administrative area of Ribble Valley Borough Council and within the Parish of Longridge Town Council.
2. Longridge Town Council are eligible under Section 98(2)(b)(1) to make a Community Nomination in respect of the land.
3. The Community Nomination made by Longridge Town Council includes the matters required under Regulation 6 of the Assets of Community Value (England) Regulations 2012.
4. The land and building does not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012.

In respect of the matters set out above, the Council is satisfied that this constitutes a valid community nomination.

b) However, the nomination is rejected by the Council for the following reasons:

1. There is no public access to the land, the actual current use of the land is not as public open space and does not therefore further the social wellbeing or social interests of the local community.
2. The actual current use is that of agricultural grazing land. Whilst it could be argued that the site currently contributes to the environment by its appearance, this is not a use by the community or directly for the benefit of the community but is a consequence of its current use as agricultural grazing land, nor is this the use relied on for the purposes of the nomination.

Signed  Date 1st February 2013

Further information about Assets of Community Value is available from the website:

<http://mycommunityrights.org.uk/community-right-to-bid/>.

Details of this decision will be placed on the Council's website.

ASSETS OF COMMUNITY VALUE THE COMMUNITY RIGHT TO BID NOMINATION FORM

Before completing this form, please read the material at:

<http://communityrights.communities.gov.uk/what-are-community-rights/community-right-to-bid/>

When completed the form should be sent to the local authority that covers the area in which the asset is located.

Section 1: The name of your organisation

Name of organisation <i>(full name as written in your constitution or rules(if appropriate))</i> : Longridge Town Council
Address including postcode: Council Office, The Civic Hall, Calder Avenue, Longridge, Preston, PR3 3HJ

Section 2: Contact details

Name: Steven J Barsby
Position in the organisation: Town Clerk
Address including postcode: Council Office, The Civic Hall, Calder Avenue, Longridge, Preston, PR3 3HJ
Daytime telephone No: 01772 782461
Mobile telephone No: N/A
Email address: <u>longridgetc@gmail.com</u>
How and when best to contact you <i>(by email or phone, and days of the week and / or times your prefer)</i> : Email at any time is the preferred method of contact.

Section 3: Type of organisation

Description	Indicate all that apply	Registration number of charity and / or company if applicable
Neighbourhood forum		
Parish council	X	N/A
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

Section 4: Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 members must be registered to vote locally. If they are registered to vote in the area of a neighbouring local authority, please confirm what this area is.

N/A

Section 5: Local connection

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area in which the nominated asset is located. Please explain what your organisation's local connection is.

The nominated asset is located within the boundary of the parish that is the responsibility of Longridge Town Council.

Section 6: About the land or buildings(s) you are nominating

What it is (e.g. public, local shop, recreation land):

Open space, now described as public open space following planning approval for development.

Name of the premises (The Volunteer Pub, Jones stores):

There are no premises involved.

Address including postcode (if know):

Chapel Hill, Longridge, Preston, PR3 2YB

Section 7: Details of the land

Please include details of the boundaries of the land you are nominating.

The land is that area designated as public open space on the Ribble Valley Borough Council Planning Approval 3/2011/1071/P.

The nomination applies only to the public open space and not to any other part of the site on which housing has been permitted.

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name (s)	Address (es)
Names of all current occupants of the land	"The land is currently occupied under a grazing tenancy. This can be terminated at short notice and the site can be offered with Vacant Possession." Ref: details of sales particulars: F Harrington Associates	Chapel Hill, Longridge, Preston, PR3 2YB
Name of current and last known addresses of all those owning freehold of the land	United Utilities Property Services whose address is assumed to be in Warrington.	Haweswater House Lingley Mere Business Park Lingley Green Avenue Great Sankey, Warrington WA5 3LP
Names of current or last known addresses of all those having a leasehold interest in the land	N/A	N/A

Section 8: Why you think the building or land has community value?

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past and if so how?

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

The site is an area of grassland immediately behind the cottages on Chapel Brow and has been in the ownership of water utility companies since the creation of the Alston Reservoir No 2 in 1901. The site is part of a green perimeter to the reservoir and public access is not permitted. The relationship between the open countryside and reservoir has existed for over a century and throughout that time has offered walkers and horse riders on the adjacent pathways the enjoyment of open and extensive views across water, views enhanced by movement, changing light and texture, livestock and abundant birdlife.

The reservoir and its green perimeter has for generations provided a 'soft edge' to the settlement of Longridge, and has contributed very significantly to the setting of that part of the Longridge conservation area to be found here. The land was also for many years designated by the planning authority as an Area of Special Landscape.

Commenting during the process of considering the planning application (3/2011/1071/P) affecting the site, Ribbles Valley Borough Council's own Conservation Officer stated ".... the proposed development is unduly harmful to the character, appearance, significance, setting and views out of St Lawrence's Church conservation area because of the loss of the rural and agrarian historic landscape innate to the character of St Lawrence's Church village."

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

In response to strong representations during the consultation phase of the planning application, the area to be developed for housing was reduced, leaving an area to the east at the rear of the houses on Chapel Brow, designated as public open space; it is this area that is described as the 'site' in this nomination. The status of the site as public open space was incorporated in the full planning permission that has been granted.

The site is now just a remnant of the much larger land area, and consequently the visual amenity benefit so long enjoyed in the area will be drastically reduced. However, this reduction in scale has the effect of increasing the importance of the site as an asset of community value.

The Planning Officer's report on which the Borough Council subsequently granted planning approval refers to the open space acting "..... as a buffer between built form and the dwellings on Chapel Brow and the treatment of the grassland and pond areas would have added ecological benefit."

The land area in which the site is located is currently being offered for sale with full planning permission for housing to the west of the site. The planning permission envisages the site will be made accessible to everyone as a public open space, and proposes the creation of a pond. The land will offer opportunities for community activities and cohesion, and the proposed pond will offer local schools an enriched

experience for environmental studies in a safe setting.

Assigning the site as an asset of community value provides a hitherto unavailable opportunity to enhance the protection of a highly valued area for current and future generations to enjoy. It will also afford it some protection from becoming an eyesore and a target for inappropriate development.

There is potential for stewardship of the site to be undertaken voluntarily by local residents. Forming a 'not for profit body', local residents would accept responsibility for maintenance of the site and its enhancement, and encourage access and enjoyment by local people and visitors alike. A secondary benefit from such an arrangement is the community cohesion generated as local residents come together for a collective purpose.

The site will be freely open to everyone for their recreation, and will enhance their wellbeing.

Section 9: Submitting this nomination

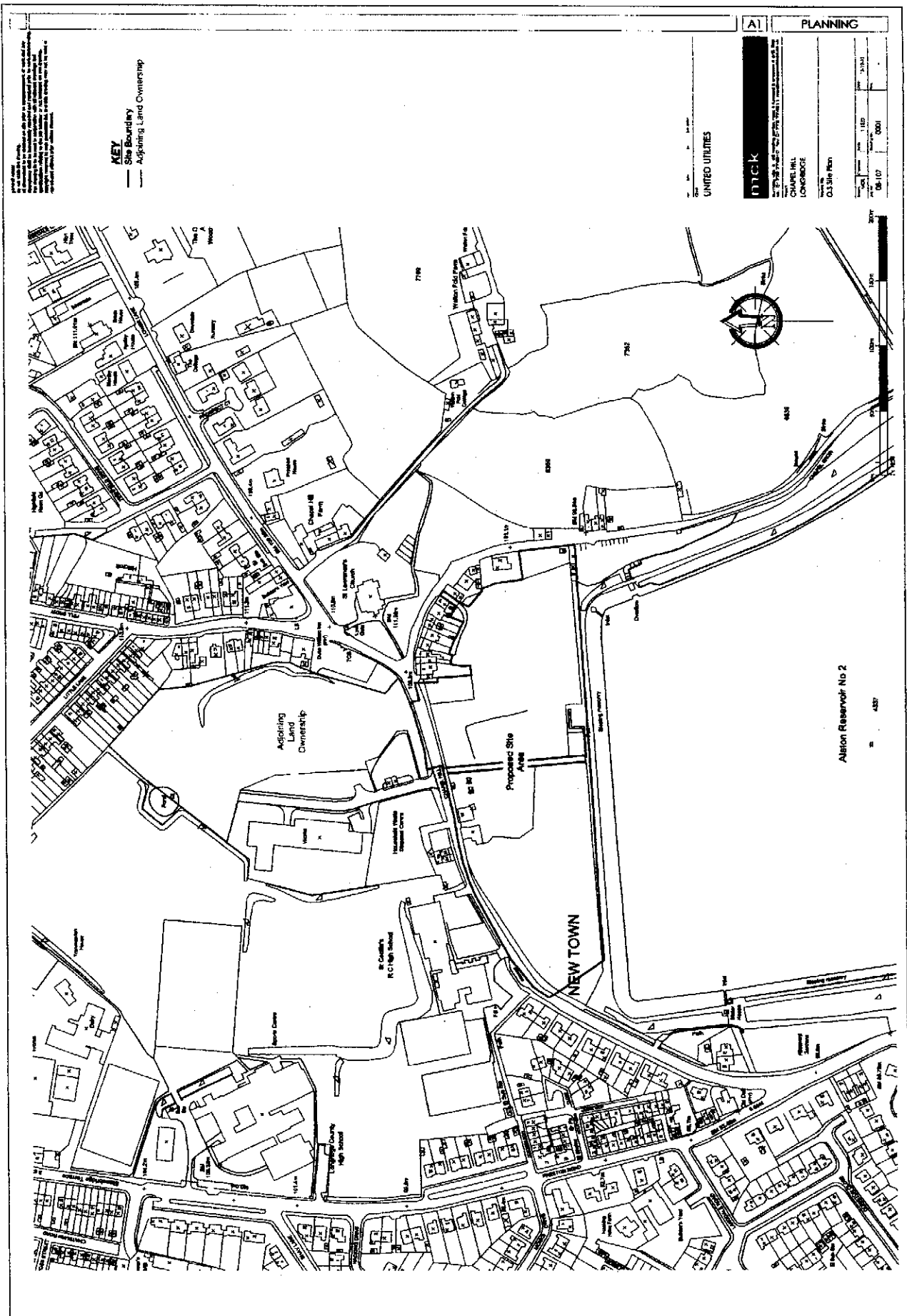
What to include

- Evidence that the nominator is eligible to make a community nomination (The rules of your organisation / constitution)
- Names & Addresses of 21 Members who are registered to vote in the local community if the organisation is an unincorporated body

Signature



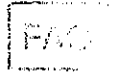
*By signing your name here (if submitting by post) or typing it (if submitting by email)
you are confirming that the contents of this form are correct, to the best of your knowledge.*



**United
Utilities**

RECEIVED
CHIEF EXECUTIVE OFFICE

28 JAN 2013



United Utilities
Legal Department
Grasmere House First Floor
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington
WA5 3LP

Telephone 01925 237000
www.unitedutilities.com

Ms D Rice
Ribbles Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Direct Line: 01925 731367
Facsimile: 01925 678957

DX 715567 WARRINGTON-7

Your ref: DER/LC/0114
Our ref: NB/478502
Date: 24th January 2013

FIRST CLASS POST

E-Mail: neil.brierley@uuplc.co.uk
This matter is being dealt with by Neil Brierley

Dear Ms Rice

Land at Chapel Hill, Longridge, Preston, PR3 2YB

I write further to my letter of the 17th of January 2013 with regard to the application by Longridge Town Council to have the proposed public open space at Chapel Hill ("the Land") put on the list of Assets of Community Value.

I do not consider that the Land is an Asset of Community Value for the following reasons:

1. Section 88 of the Localism Act 2011 ("the Act") sets out that land can be regarded as of a Community Value if:
 - (a) the actual current use of the and furthers the social wellbeing or social interests of the local community; and
 - (b) it is realistic to think that there can continue to be use of the land which will further the social wellbeing or social interest of the local community.
2. Section 38 of the Act also states that land can be of Community Value if:
 - (a) there has been a time in the recent past when an actual use of the land furthered the social wellbeing or interests of the local community; and
 - (b) it is realistic to think there is a time in the next five years when there could be use of the Land that would further the social wellbeing or social interests of the local community.

Social interests include cultural, recreational and sporting interests.

The use of the Land does not satisfy the statutory criteria.

The Land is being used at present for sheep grazing. There is a sheep grazing licence in favour of [REDACTED] He has had a

licence since 2005. However, the land has been used for sheep grazing since 1994/1995, with [REDACTED] holding the latest of the licences.

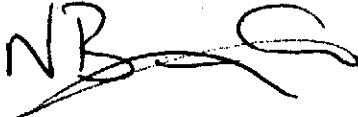
As a result, the Land cannot meet the criteria in section 88 of the Act as the actual current use of the Land (sheep grazing) does not further the social wellbeing or social interests of the local community. The local community has no access to the Land and therefore cannot use it. I do not believe that views onto the Land can satisfy the criteria either.

In addition, the requirement that it is realistic that the Land can continue to be used for the social wellbeing or social interests of the local community cannot be met because:

- even if the actual current use continues is not of a qualifying community use; and
- the proposal to use the Land as public open space is contained in a planning permission that has not been implemented and may never be implemented. Indeed, the exact location and/or boundaries of the proposed public open space could be amended as part of a later planning permission. Consequently, there is no definitive area for public open space use in existence yet against which this criterion can be judged. Further, the Land is not allocated as public open space or for any community use in the Local Plan.

For the reasons set out above, the statutory criteria are not met such that the Land can be included in the list of Assets of Community Value and we request that the Council does not include the Land on the list of Assets of Community Value.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'NB' followed by a stylized flourish.

Neil Brierley
Legal Manager
United Utilities Water PLC