

## REPORT TO LEAD FOR ASSET MANAGEMENT, CAFM

### NOMINATION FOR ASSET OF COMMUNITY VALUE

ADDRESS: FORMER MYTHOLM WORKS, KING STREET, HEBDEN BRIDGE

28 January 2013

#### 1.0 PURPOSE OF THIS REPORT

1.1 The purpose of this report is to consider the nomination from Incredible Edible Mytholm to list land at the former Mytholm Works, King Street, Hebden Bridge on the List of Assets of Community Value (the "List") in line with the Localism Act 2011 (the "Act").

#### 2.0 BACKGROUND

2.1 Part 5 Chapter 3 of the Act details the legislation in respect of Assets of Community Value and sets out how the Community Right to Bid works. The right came into force on 21 September 2012 and its purpose is to give communities a right to identify property that is believed to further their social interests or social wellbeing and nominate such property to be placed on the List. It also gives community interest groups a fair chance to make a bid to buy the property on the open market if the owner decides to sell the property whilst it is still on the List.

2.2 On 3 December 2012, a nomination was received from Incredible Edible Mytholm (which is attached at Appendix A) along with a plan of the subject site (Appendix B). A Land Registry search has established the landowner(s) are Setbray Properties (1997) Limited ("**Setbray**") and Belmont Homes (Cheshire) Limited ("**Belmont**").

#### 3.0 BRIEF DESCRIPTION OF SITE

3.1 The site comprises approximately 4.6 acres (1.86 hectares) of mainly flat land located on the main A646 road, just on the outskirts of Hebden Bridge Town Centre. It was previously used as a works but the buildings were demolished many years ago. There have been a number of development proposals and planning applications for the site, but these have not yet come to fruition.

#### 4.0 EXCLUSIONS CRITERIA

4.1 The Council's Legal Services have confirmed that the nomination does not fall within any of the exclusions specified within Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the "**Regulations**") as land which may not be listed as an asset of community value.

## **5.0 ELIGIBILITY OF NOMINATING GROUP**

5.1 The Council's Legal Services have confirmed that Incredible Edible Mytholm satisfy the criteria to be an eligible group in accordance with section 89(2)(b)(iii) of the Act and Regulations 4 and 5. They are an unincorporated community group who have at least 21 local members and the group has a local connection to Calderdale and it is situated within the borough and its activities are concerned with the asset in question.

## **6.0 SUBMISSION OF NOMINATING GROUP**

6.1 Full details of the submission of the nominating group are in appendix A.

6.2 In summary, the nomination refers to the current "re-wilding" of the site being a source of social wellbeing for the local community. The nomination comments that the site acts as a breathing space from the traffic on the A646 road, is a wildlife habitat and is used for recreational purposes, including by children, for walking, playing, cycling and painting graffiti.

## **7.0 RESPONSE OF LANDOWNER**

7.1 Both landowners, namely Setbray and Belmont have submitted formal responses, either directly or through their agent. These are provided at Appendix C.

7.2 The objection received from Setbray outlines that the site does not meet the definition as set out in the Act, referring to the lack of a current or main use, reflecting its dilapidated and overgrown state. It is contended that this does not represent a main use which will further the social interest or wellbeing of the local community.

7.3 The objection received from Belmont states that in their opinion, this is a brownfield site, which is private land with no public access or right of way and does not provide any community benefit. Furthermore, the owner refers to the site falling within a flood plain and formal employment use planning designation.

## **8.0 RESPONSE OF PARISH COUNCIL**

8.1 No response has been received from the Parish Council, being Hebden Royd Town Council.

## **9.0 RESPONSE OF OTHER PARTIES**

9.1 No other relevant responses have been received.

## **10.0 EQUALITY, DIVERSITY, COHESION & INTEGRATION CONSIDERATIONS**

10.1 Equality, diversity, cohesion and integration considerations do not form part of the eligibility criteria upon which nominations are assessed. However, consideration has been given to ensure that all people have an equal opportunity to nominate assets of community value.

## **11.0 CONSULTATION WITH WARD MEMBERS**

11.1 The Council's role is to assess the community nomination against the criteria set out in the Act, therefore no consultation and engagement is necessary.

## 12.0 RECOMMENDATIONS

12.1 It is recommended that the Lead on Asset Management declines the nomination to list land at former Mytholm Works, King Street, Hebden Bridge on the basis that the nomination does not satisfactorily meet the criteria laid down in the Act.

12.2 It is considered that the use of the site fails the tests set out in s88 (1) (a) and (2) (a) of the Act namely:-

*(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a 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 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.*

*(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local 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*

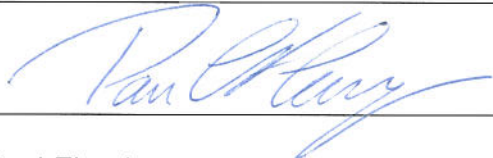

*(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.*

12.3 It is considered that any relevant use which furthers the social wellbeing is ancillary only. This is based upon the information and evidence provided by the nominating group, the owners and an inspection of the site as detailed below.

12.4 This is a vacant and brownfield area of land, designated in the Unitary Development Plan as a New Employment Site. In view of its vacant state, there is no main use and the nomination does not provide any evidence to the contrary. There is nominal recreational use of the land, evidenced by informal walking tracks to provide short cuts across the site.

12.5 This does not sufficiently demonstrate community value or indeed, how in the future, this could be evidenced in a suitable way. Any current recreational type use is limited and ad-hoc and cannot be described as the 'main' use and must therefore be described as 'ancillary' use only.

12.6 As ancillary use only, it does not meet the eligibility criteria for an asset of community value, as laid down in the Act

Signature of Estates Manager	
	Paul Fleming
	Dated: 28-1-13
Signature of Lead for Asset Management	
	Stephen Hoyle
	Dated: 28/01/2013.