

## Summary of Listing Process for Asset of Community Value

Site: Marsh Lane Allotments, Marsh Lane, Hungerford, RG17 0QN

Step A	
<p><b>A1. Is the nominating organisation an eligible body to nominate?</b></p> <p>The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <p>(a) a parish council;</p> <p>(b) an unincorporated body:</p> <p style="margin-left: 20px;">(i) whose members include at least 21 individuals, and</p> <p style="margin-left: 20px;">(ii) which does not distribute any surplus it makes to its members;</p> <p>(c) a charity;</p> <p>(d) a company limited by guarantee which does not distribute any surplus it makes to its members;</p> <p>(e) an industrial and provident society which does not distribute any surplus it makes to its members; or</p> <p>(f) a community interest company.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>HAHA qualifies as an eligible body as the information provided in the application outlines that it is an unincorporated body comprising of at least 21 individuals (all of whom are on the electoral role). The organisation's constitution states that it is 'a non-profit making organisation' and 'all excess income will be reinvested for the upkeep and well-being of the allotment site and allotment holders'.</p> <p>The application therefore meets criteria (b) (i) and (b) (ii).</p>
<p><b>A2. Does the nominating body have a local connection to the asset nominated and, in the case of an unincorporated body, a company limited by guarantee or a community interest group, applies any surplus it makes wholly or partly for the benefit of the local authority's area or for the benefit of a neighbouring authority's area?</b></p> <p>"Local Connection" is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>The land in question is leased by Hungerford Town Council and is run by the HAHA. The nomination states that the land provides 'valuable growing space for some 75 <u>Hungerford</u> families.'</p> <p>As set out above, the HAHA constitution provides that all excess income will be re-invested into the site.</p>
<p><b>A3. Does the nomination include the required information about the asset?</b></p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <p>(a) a description of the nominated</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>(a) The application included a map and a description of the land and its proposed boundaries. As there was some discrepancy between the map provided and the description and the information held by Land Registry, clarification was</p>

<p>land including its proposed boundaries;</p> <p>(b) a statement of all the information which the nominator has with regard to:</p> <p>(i) the names of current occupants of the land, and</p> <p>(ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;</p>	<p>sought from the applicant. The discrepancy related to a 6m strip of land currently used as a car park for the allotments. It appeared to be excluded from the map provided by the applicant but included in the description, which made reference to a 1.4 hectare parcel of land (1.437ha on the Land Registry map). The applicant confirmed that without including parking area in their application, access to the allotment site could be cut off by a separate sale of that land without those rights which would mean the allotments would be non-viable.</p> <p>(b) (i) the land was currently leased by Hungerford Town Council and was occupied by the Haha.</p> <p>(ii) the name of the current owner was included with the paperwork and was confirmed by a search on the Land Registry website. There was a discrepancy between the address listed on the Land Registry website and that supplied by the applicant. The applicant and HTC confirmed that the address provided was the one listed on the most recent (2019) lease agreement between the organisations. Letters were sent to both addresses by the Council. It was noted that the application made reference to and the Land Registry document cited an agreement for purchase dated 4 June 1999 made between the owner and Donnington Homes Limited as varied by supplemental agreements made between the same parties dated 3 July 2001, 1 May 2007 and 6 August 2013.</p>
<p><b>A4. Is the nominated asset outside of one of the categories that cannot be assets of community value as set out in Schedule 1 of the assets of Community Value (England)?</b></p> <p>Regulations 2012, as summarised as:</p> <p>1. A residence together with land connected with that residence</p> <p>2. Land in respect of which a site</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>The asset did not fall into any of the excluded categories.</p>

<p>licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960</p> <p>3. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c).</p>	
<p>If <b>“Yes”</b> to all of step A <b>move to step B</b>.</p> <p>If <b>“No”</b> to one or more of step A, <b>inform nominator that nomination is ineligible</b>.</p>	

**Step B – Establishing the non-ancillary use that the application is based on**

<p><b>B1. Is the current or recent usage which is the subject of the nomination an actual and non ancillary usage?</b></p> <p>The application stated that the Marsh Lane Allotment site was established in 2009 following a significant reduction of allotments in Hungerford due to development</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
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If the current or recent usage that is the subject of the nomination is actual and non-ancillary, **go to step C**.  
**If not, place on List of Unsuccessful Nominations.**

**Step C – Determining whether the current usage or usage in the recent past furthers social wellbeing or social interests**

Examples of matters to consider could include:

1. Who benefits from the use? Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service? Who will lose if the usage ceases?
2. What aspect of the usage delivers a social outcome in the Council’s Policy and Budget framework?
3. Why is the usage seen as having social value in the context of the community on whose behalf the application is being made?
4. How strongly does the local community feel about the usage as furthering their social interests?

It was noted that:

- the application stated that the site provided valuable growing space for some 75 Hungerford families. The site was full at the end of the 2019/20 rental year and that they had to run a waiting list for prospective allotment holders;
- the constitution made reference to a three tiered allocation process which always gave priority to residents of Hungerford in accordance with WBC parish boundaries map;
- the application stated that the site was used for various social events and Haha participated in other general Hungerford events such as the Food Festival. An annual produce and craft show is run jointly with the Royal British Legion;
- the application stated that the site was supported, since its inception, by West Berkshire and Hungerford Town Councils, North Wessex Area of Outstanding Natural Beauty (NWAONB), Greenham Common Trust and other local organisations;
- allotments were a space that could be used to tackle issues such as social isolation and this site included a communal area which would help to support this

initiative;

- they provided valuable growing space for families which might not otherwise have the space to grow their own produce;
- the application states that the Marsh Lane site was created by the Town Council as a result of pressure from the local community for the provision of allotments.

For the reasons set out above the Panel concluded that the applicant had demonstrated that the current usage and the usage in the recent past did further social wellbeing and social interests in the local community.

If “Yes” to C above, **place on List of Assets of Community Value.**

If “No” to C above, **place on List of Unsuccessful Nominations.**

### **Step D – Realism of future usage**

Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use (whether or not in the same way) again within the next five years?

Examples of matters to consider could include:

1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?
2. If you were successful in bidding for and agreeing a mutually acceptable price for the asset what do you propose to use the asset for and what model of operation would you see the community adopting in making the venture sustainable.
3. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?

The Panel considered relevant information pertaining to this site as set out in the Council’s Housing and Economic Land Availability Assessment (HELAA) which could be found at <https://citizen.westberks.gov.uk/search?&q=HUN9>

It was noted that the HELAA confirmed that despite Donnington New Homes promoting the site for circa 10 years, the initial assessment suggested that the site would not be developable within the next 15 years or at least until 2036.

The site has been leased by HTC through a number of short-term leases ranging from one year to five years The current lease of the allotment site would expire in 2022. The site, which was not on a flood plain, had been used for allotments since 2009.

The terms of the agreement between the land owner and Donnington New Homes were not available to the Panel, but it seemed unlikely that they would wish to purchase it in the near future without it being afforded planning permission or being included in the Local Plan as a development site.

It was therefore not unreasonable to suggest that it was likely that the current use could be continued by the community for a further five years. There was some question as to whether the community would be able to raise sufficient funds within the six month moratorium period to buy the asset on the open market should the asset become available for purchase, particularly since the site had been put forward for development by the landowner and there was long-standing interest in the site from Donnington New Homes.

If “Yes” to D above, **place on List of Assets of Community Value.**

If **“No”** to D above, **place on List of Unsuccessful Nominations.**

Decision made by officer Group	To include the <b>place on the List of Assets of Community Value</b>
Date decision made	17 June 2020
Date entered onto Decision Register and registered on Land Charges	TBC
Date instructions sent to Legal to register at the Land Registry	TBC
Date entered onto Geographic Information System (GIS)	TBC