ASSETS OF COMMUNITY VALUE COMMITTEE held in the COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 24 JANUARY 2018 at 10.00 am

Present: Councillor S Barker (Chairman)
Councillors V Ranger and H Rolfe

Officers in attendance: B Ferguson (Democratic Services Officer) and S Pugh (Head of Legal Services)

ACV5 **MINUTES OF THE PREVIOUS MEETING(S) HELD ON THE 7 AUGUST AND 14 DECEMBER 2017**

The minutes of the previous meetings held on the 7 August and 14 December 2017 were approved as a correct record.

ACV6 **NOMINATION OF ANDREWSFIELD AIRFIELD, STEBBING AND GREAT SALING AS AN ASSET OF COMMUNITY VALUE**

The Head of Legal Services explained the concept of an Asset of Community Value, as defined by the Localism Act 2011. He said the application was complex and identified three uses of the Airfield as set out in the nomination application:

- Airfield
- Clubhouse (or “Milibar”); and
- Open Space

The Head of Legal Services asked Members to consider:

- Whether an actual current use of the nominated land and buildings that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

- Whether 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.

Members asked whether the land was excluded from listing as “operational land”. The Head of Legal Services said that “operational land” had a technical meaning and, in this context, meant an airport licensed under Part V of the Airports Act 1986. He understood that the airfield held a licence under Part III of the Act but that this did not bring the land within the definition of “operational”.

The Chairman said she had concluded from the evidence presented that the clubhouse use met the test for an asset of community value, as it was open to

the community in its own right and hosted community meetings and events. This was a significant use in its own right and was not subsidiary to another major use.

Members were of the view that, on the basis of the nomination, there was insufficient information for them to conclude that the airfield and open space uses passed the test for listing.

Members were also of the view that the clubhouse use met the second limb of the test. The clubhouse was a going concern and it was realistic to think that it could continue to be used in a similar manner in future. Members discussed the planning position regarding the site and, given the early stage which the local plan process had reached, did not believe that this made continuing use unrealistic.

Members were mindful that the clubhouse use related only to a part of the nominated land, which included the whole of the airfield. The community clubhouse use did not relate to the wider airfield and members considered whether it was appropriate to list the whole of the land nominated.

The Head of Legal Services advised that the legal position was uncertain. There was limited authority to suggest that it might be possible to list a wider parcel of land even if use of only part of it furthered the social wellbeing or social interests of the local community. He referred to a decision of the First Tier Tribunal. (Uptin House -v- Newcastle City Council.)

Members concluded that the circumstances in that case, which related to a single building in multiple use, differed from the current nomination, given the lack of relationship between the community clubhouse use and the airfield.

The report to members advised that, if members were unclear as to the extent of the land which should be listed, they could reject the nomination and invite the nominating body to submit a further application accompanied by a plan showing the clubhouse and land (e.g. parking) that related to the community use.

Members reviewed carefully the representations made on behalf of the owners and operators of the land and were advised on their merits by the Head of Legal Services. In particular, he advised that the private ownership of the land did not preclude listing – it was in the nature of the statutory scheme that land and buildings in private ownership would qualify for listing. It was also not open to members to consider the relative merits of current use of the land and potential future uses.

The Chairman recommended that the nomination should be rejected but said that it would be open to the parish council to submit a new application based on the clubhouse use, identifying the extent of the clubhouse, along with land that related to that community use; e.g. car parking. It would also be open to the Parish Council to produce additional evidence in a further nomination regarding community use of the airfield and community open space use. Members concurred with this suggestion.

RESOLVED: to reject the nomination of Andrewsfield Airfield to be listed as an Asset of Community Value.

The meeting ended at 10.30am.