

South Lakeland District Council

Delegated Executive Decisions

Date of Proposed Decision: Thursday, 12 January 2023

Asset of Community Value Nomination - Stony Hazel Woods, Rusland

Portfolio: Customer and Locality Services Portfolio Holder

Decision Maker: Director of Customer and Commercial Services

Report Author: Tom Dugdale – Case Management Officer

Wards: Broughton & Coniston;

Forward Plan: N/A

Links to Council Plan Priorities:

Working across boundaries – N/A

Delivering a balanced community – Working with communities to reduce isolation and loneliness

A fairer South Lakeland – N/A

Addressing the climate emergency – N/A

1.0 Expected Outcome

1.1 Entry of Stony Hazel Woods, Rusland onto the list of successful nominations of Assets of Community Value.

2.0 Proposed Decision

2.1 It is recommended that the Director of Customer and Commercial Services:-

Agrees that Stony Hazel Woods, Rusland as identified on the plan attached be entered onto South Lakeland District Council's list of successful nominations as Assets of Community Value.

3.0 Background and Proposals

3.1 A nomination to list Stony Hazel Woods as an asset of community value was submitted by Colton Parish Council on 8 November 2022.

3.2 In accordance with s89(2)(b)(iii) of the Localism Act 2011, Colton Parish Council are eligible to make a community nomination in respect of the asset and have a local connection.

3.3 The asset comes under the ownership of Lake District National Park Authority. There is no indication in the nomination that the land is for sale.

3.4 The nomination states that the asset is a semi-ancient area of woodland suitable for exercise and relaxation.

3.5 Section 88 of the Localism Act 2011 sets out those uses of land which may result in a property being considered as an asset of community value. They are uses that are non-ancillary and that further (or have recently furthered) either the social wellbeing or social interests of the local community. In the case of Stony Hazel Woods, it appears that its main, non-ancillary use is that of a publicly accessible area of woodland.

- 3.6 The nomination states that Stony Hazel Woods is used extensively by the local community and visitors on a regular basis as a beautiful semi-ancient woodland suitable for exercise and relaxation. It states that the asset is managed for biodiversity with traditional woodland skills, while it features on one of the joint Rusland Horizons/Lake District National Park greenwood trails which aims to support open and safe access for all. The nomination states that, in addition to general recreational walkers, the asset is used by various local community groups and charities. These include; Ulverston Walkfest, The Rusland Horizon Trust (education and outreach activities) and Rookhow charitable organisation activities.
- 3.7 The nomination states that by having access to the woods, the community gain health benefits from outdoor exercise, educationally through Rusland Trust schemes, and culturally through a shared local resource. It states that the asset offers numerous physical and mental health benefits that outdoor activities offer, such as reducing isolation and offering access to positive activities. The nomination states that the asset brings increased community cohesion as the community are able to join the various courses and activities centred on Stony Hazel Woods, particularly through those run by Rusland Horizons Trust and Rookhow in conjunction with the nearby Rusland Reading Rooms. It could therefore be said that the asset does improve the social wellbeing and interests of the local community.
- 3.8 Section 88 of the Localism Act 2011 states that a building or other land can be considered as an asset of community value if:
- a) There is a time in the recent past when the use of the 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 where there could be non-ancillary use of the asset that would further the social wellbeing or social interests of the local community.
- 3.9 The nomination states that the community feels strongly that the asset should be listed as a community asset, which can be evidenced by the policies adopted in the Colton Parish Community Led Plan. It states that the asset can continue to be used in the beneficial ways described in the nomination indefinitely.
- 3.10 Stony Hazel Woods has been listed previously as an asset of community value on the Council's community asset register, added 28 September 2017, and delisted 28 September 2022 once the 5 year listing period had expired. The Council has previously approved nominations of nine similar assets to be registered as assets of community value.
- 3.11 It is considered that Stony Hazel Woods meets the criteria necessary to be accepted as an asset of community value. The evidence that has been provided indicates that the use of the land as a publicly accessible area of woodland, which is not an ancillary use of the land, furthers the social wellbeing of the community who can use it as a place to exercise, join in with community activities and relax. On the basis of the information provided it is considered that it is realistic to think that the asset can continue to operate in a way that furthers the social wellbeing or interests of the local community. It is also clear that this nomination is in the spirit of the legislation that gives the community the right to nominate assets.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Stony Hazel Woods, Rusland – ACV Nomination Form
2	Stony Hazel Woods, Rusland – ACV Location Plan
3	Stony Hazel Woods, Rusland – ACV Assessment Form

5.0 Consultation

- 5.1 The Council has notified the owner of the land of the nomination.
- 5.2 The assessment of the nomination was carried out by a Case Management Officer in liaison with the Performance, Innovation and Commissioning Specialist.
- 5.3 In line with the Cabinet decision on 20 March 2019, delegated authority is given to the Director of Customer and Commercial Services, in consultation with the Customer and Locality Services Portfolio Holder, to make the decision as to whether the nominated asset is added to the list.
- 5.4 In accordance with Section 91 of the Localism Act 2011 the Council will send notice to all relevant parties of its decision in respect of the nomination.
- 5.5 The District Councillors for the Broughton & Coniston Ward have been notified of the nomination. Councillor Ian Wharton fully supports the nomination, stating that it will be a focus of community involvement.

6.0 Alternative Options

- 6.1 The alternative option is to decline the nomination. The officers who have assessed the nomination in this case feel that the criteria in the legislation have been met and that the listing is justified on the basis of the information received. Section 88 of the Localism Act states that it is a decision for the authority whether or not the criteria are met.

7.0 Implications

Financial, Resources and Procurement

- 7.1 There are no financial or resources implications.

Human Resources

- 7.2 There are no human resources implications.

Legal

- 7.3.1 Under Section 87 of the Localism Act 2011 the Council must maintain a list of assets of community value.
- 7.3.2 Section 88 of the Localism Act 2011 states that a building or other land is, or may be, an asset of community value if, in the opinion of the Authority:
- The land is actually used, or was used in the recent past, for an activity that was not an ancillary use and which furthered the social wellbeing or interests of the local community; and
 - it is realistic to think that there can continue to be non-ancillary use of the land which will further (whether or not in the same way) the social wellbeing or social interests of the local community; or

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

On the basis of the evidence provided in the nomination in this case, the officers have determined that the necessary criteria of section 88 Localism Act 2011 are met.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? Yes
- 7.5 A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act 2011 states that social interests include cultural, recreational and sporting interests.
- 7.6 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
Environment and Health	Greenhouse gases emissions		✓		
	Air Quality		✓		
	Biodiversity	✓			
	Impacts of Climate Change		✓		
	Reduced or zero requirement for energy, building space, materials or travel	✓			
	Active Travel		✓		
Economy and Culture	Inclusive and sustainable development		✓		
	Jobs and levels of pay		✓		
	Healthier high streets		✓		
	Culture, creativity and heritage	✓			
Housing and Communities	Standard of housing		✓		
	Access to housing		✓		
	Crime		✓		
	Social connectedness	✓			

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 There are no foreseeable adverse impacts on any single equality group arising out of the legislation relating to Assets of Community Value.

7.9 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"						
Age	P	X	0		N	
Disability	P	X	0		N	
Gender reassignment (transgender)	P		0	X	N	
Marriage & civil partnership	P		0	X	N	
Pregnancy & maternity	P		0	X	N	
Race/ethnicity	P		0	X	N	
Religion or belief	P		0	X	N	
Sex/gender	P		0	X	N	
Sexual orientation	P		0	X	N	
Armed forces families	P		0	X	N	
Rurality	P	X	0		N	
Socio-economic disadvantage	P	X	0		N	

Risk

Risk	Consequence	Controls required
The Council fails to meet the statutory deadlines for responses and publication of lists	The Council faces challenge on the way in which it addresses nominations for Assets of Community Value	Appropriate procedures put in place to achieve the Council's obligations
The Council may be required to bear the burden of administering any initial appeals in respect of either nominations or compensation decisions	The Council's financial and other resources would be used to address any appeal	Appropriate procedures put in place to achieve the Council's obligations
Listed assets of community value not added to the local land charge register	Reputational challenge	Appropriate procedures put in place to achieve the Council's obligations

Contact Officers

Tom Dugdale – Case Management Officer: 793269 t.dugdale@southlakeland.gov.uk

Background Documents Available

Name of Background document	Where it is available
Community Right to Bid: Nonstatutory advice for local authorities	DCLG Website

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	29/11/2022	01/12/2022
Section 151 Officer	01/12/2022	09/12/2022
Monitoring Officer	01/12/2022	22/12/22
CMT		

Circulated to	Date sent
Lead Specialist	25/11/2022
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A

Note – Report authors must consult the relevant Portfolio Holder, members of the Corporate Management Team, the Monitoring Officer, and any other interested parties before a decision can be taken. If any objections are received, they must be reported at the meeting before the decision is taken.

Signed by:-	Title:-