

Meeting:	Decision Session – Executive Member for Finance, Performance, Major Projects and Equalities.
Meeting date:	6 October 2026
Report of:	Director of Finance
Portfolio of:	Executive Member for Finance, Performance, Major Projects and Equalities

Decision Report: Application for Community Right to Bid under the Localism Act 2011

Subject of Report

1. This report details applications to list the following properties as Asset of Community Value (ACV) for consideration by the Council.
 - a) Hempland Lane Allotment Community Wildlife Area, Hempland lane, York, YO31 0QG
 - b) Hagg Wood, Intake Lane, Dunnington, York, YO19 5HY
2. The applications have been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.

Benefits and Challenges

3. This process is a statutory requirement. The process and the effects through the listing of an asset is set out in detail in this paper.

Policy Basis for Decision

4. The process is a statutory requirement.

Financial Strategy Implications

5. There are no financial strategy implications to this decision.

Recommendation and Reasons

6. The Executive Member is asked to consider the officer recommendation(s) to:

- 6.1 Approve the listing of:

- a) Hempland Lane Allotment Community Wildlife Area, Hempland lane, York, YO31 0QG. An application has been received by Hempland Lane Allotment Association

Reject the listing of:

- b) Hagg Wood, Intake Lane, Dunnington, York, YO19 5HY. An application has been made by Dunnington Parish Council.

Reason:

To ensure the Council meets its legislative obligations (pursuant to the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012) and promotes community access to community facilities.

Background

7. The purpose behind the provisions regarding Assets of Community Value (ACV) in the Localism Act 2011 is to ensure that property (land and building) assets which are currently used for principal/non-ancillary use(s) which benefit the local communities are not disposed of without the local community being given an opportunity to bid for these assets when the owner wishes to dispose of the asset. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.

8. Section 89(1)(a) sets out that land in the local authority's area may be listed on the ACV list only in response to a community nomination. Section 89(2)(b)(iii) of the Localism Act 2011 requires that the organisation nominating an asset to be an ACV is a person that is a voluntary or community body with a local connection to the asset nominated. Further, the legislation requires that the nominating organisation must include in the nomination form information about the asset nominated, in accordance with part 6 of the Assets of Community Value (England) Regulations 2012.
9. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
 - a. s88(1) an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the 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 well-being or social interests of the local community.
 - OR
 - b. s88(2) there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community.
10. There is no exhaustive list of what is considered to be an asset of community value, but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

The Process

11. The regulations set out how potential assets can be listed which in brief are as follows:
 - **Nomination** – this can be by a voluntary or community body with a local connection. This includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).

- **Consideration** – the local authority has 8 weeks to make the decision. Under the Council's procedures the Executive Member is the decision maker. If the nomination is successful, the asset details are entered onto the 'Community Value list' – see further details in the report – and also the local land charges register. If unsuccessful, then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal. Neither the Localism Act nor the ACV Regulations give the nominating organisation any right to appeal a decision of the local authority that the nominated property is not an asset of community value/does not satisfy the necessary S.88 criteria referred to above.
- **Disposal of assets on the ACV list** – if a building or piece of land which is on the list is going to be disposed of (by way of either a freehold sale or granting of a lease for a Term of 25 years or more) with vacant possession, then the owner of the asset needs to give notice to the local authority. There is then a 6-week moratorium period for any community group to express interest in writing. If they do, then a 6-month period (commencing from the date on which the Council had received notice of the owner's intention to dispose of the asset) is provided for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of its intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.
- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Hempland Lane Allotments Community Wildlife Area

A. The eligibility of the nominating organisation and the nominated asset to be an ACV.

12. The application nominating the nomination land ("Hempland Lane Allotments Community Wildlife Area") has been made by Hempland Lane Allotments Association. When making the application, the applicant seeks to assert its status as a community body under section 89(2)(b)(iii) of the Localism Act 2011 ("The Act").

13. Hempland Lane Allotments Association are an eligible body, The application meets the qualifying test set out in section 89(1)(a) of the Act as an application made by way of a community nomination.

The application sets out that the freehold of Hempland Lane Allotments is owned by City of York Council, west offices, Station Rise, York, YO1 6GA, as stated in freehold title registered at the Land Registry. There is a leasehold title registered at the Land Registry in the name of York Allotments (CEO 10805) (Registered Charity No. 1174306), registered office, Popeshead Court Offices, Peter Lane, York, YO1 8SU. In accordance with the regulations, the freehold & leasehold owners of the property, have been informed in writing that the application has been made and have been invited to make representations regarding the nomination. No response has been received from the freehold owners. York Allotments has confirmed support for the nomination.

14. The application provides a clear description and postcode of the land nominated on the first page of the form and has attached to it a map setting out the extent of the land. The nominated land does not come within the categories of land which may not be ACVs.

15. The applicant has provided their reasons for thinking that the Council should conclude that the land is of community value, at section 3.

16. Legal Services have confirmed that a nomination must be considered by the Council, if the nominator is someone who meets the eligibility criteria specified in the relevant legislation, and if the nomination form includes the information specified in regulation 6 of

the ACV Regulations 2012. Legal Services considers the Nominator fulfils the criteria.

B. Is the current or recent usage of the nominated land an actual and non-ancillary use, does the usage further social wellbeing or social interest, and is it realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

17. This application concerns the listing of Hempland Lane Allotments Community Wildlife Area on the Council's ACV list. The past and current usage of the area as a venue for community activities/events is set out below and indicates that the current and recent usage of the nominated land is an actual and non-ancillary use pursuant to section 88(1) and section 88(2) of the Act.
18. Hempland Lane Allotment Association state the wildlife area was created by volunteers in the year 2000, with approval from City of York Council, to convert a former derelict paddock area into a quiet space where nature could thrive and be enjoyed by local residents, allotment holders, and the general public.
19. They state that over 25 years the Community Wildlife Area has supported the social recreation and wellbeing of the local community. There are two distinct areas within the site, a community woodland to the north, planted with native deciduous trees and including two seasonal ponds which help to drain the surrounding land, and a central clearing. To the south is an open area planted with grasses and wildflowers
20. Hempland Lane Allotment Association state that the wildlife area provides peace and tranquillity offering and escape for visitors including wildlife lovers, allotments holders, local children and residents. It is a haven for flora and fauna and a habitat for many species such as Bats, Owls and Willow Warblers. They state that a pond has been recently redesigned by Froglife to aid frogs and newts to flourish
21. Hempland Lane Allotment Association also states that ACV status will help to preserve the wildlife areas availability for continued use

by the local community where they can be at one with nature, thereby furthering the social interests and wellbeing of the overall community. Memorial benches are also located in this area for lost loved ones.

22. Full details are provided in the nomination form in Annex 1 & 2
23. The Hempland Lane Allotment Community Wildlife Area has developed a community focus and, for the reasons set out above and further in the nomination form, the community appears to have been using the land in a way which engages and strengthens community bonds, adding to the social value of the community; therefore the application meets the criteria of the legislation.
24. The application meets the criteria for listing and it is therefore recommended that Hempland Lane Allotment Community Wildlife Area should be listed on the ACV register.

Hagg Wood

A. The eligibility of the nominating organisation and the nominated asset to be an ACV.

25. The application nominating the nomination land ("Hagg Wood") has been made by Dunnington Parish Council. When making the application, the applicant seeks to assert its status as a community body under section 89(2)(b)(iii) of the Localism Act 2011 ("The Act").
26. Dunnington Parish Council are an eligible body; The application meets the qualifying test set out in section 89(1)(a) of the Act as an application made by way of a community nomination. The application sets out that the freehold of Hagg Wood is owned by Church Commissioners for England, Church House, Great Smith Street, London, SW1P 3AZ, as stated in freehold title registered at the Land Registry. There is a leasehold title registered at the Land Registry in the name of Forestry England, 620 Bristol Business Park, Coldharbour Lane, Bristol, BS16 1EJ. In accordance with the regulations, the freehold and leasehold owners of the property, have been informed in writing that the application has been made and been invited to make representations regarding the nomination.

Representations have been received from Fisher German on behalf of the freehold owners. No response has been received from the leasehold owners.

27. The application provides a clear description and postcode of the land nominated on the first page of the form and has attached to it a map setting out the extent of the land. The nominated land does not come within the categories of land which may not be ACVs.
28. The applicant has provided their reasons for thinking that the Council should conclude that the land is of community value, at section 3.
29. Legal Services have confirmed that a nomination must be considered by the Council, if the nominator is someone who meets the eligibility criteria specified in the relevant legislation, and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Legal Services considers the Nominator fulfils the criteria.
30. Legal Services do not consider that Hagg Wood, the nominated asset meets the eligibility criteria specified in the relevant legislation. Under The Act, regulations list a number of situations where buildings or land are exempted from inclusion on the listing or moratorium, this includes Church of England land holdings.
31. Paragraph 12 of the ACV Regulations 2012 states that s95(1) of the Localism Act (which deals with the moratorium period) will not apply to a disposal of church together with any church land: therefore if Church of England land is exempt from a moratorium, a listing as an ACV would afford no protection.
32. The Church of England has its own governance framework requirements when disposing of property, under the Church Property Measure 2018 and also under the Charities Act 2011. An ACV moratorium would conflict with these statutory requirements

B. Is the current or recent usage of the nominated land an actual and non-ancillary use, does the usage further social wellbeing or social interest, and is it realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

33. This application concerns the listing of Hagg Wood on the Council's ACV list. The past and current usage of the land as a venue for community activities/events is set out below and indicates that the current and recent usage of the nominated land is an actual and non-ancillary use pursuant to section 88(1) and section 88(2) of the Act.
34. Dunnington Parish Council state that Hagg Wood located on the edge of Dunnington, in the parish of Kexby & Scoreby was established as a community woodland in 2003 by agreement between the freehold owners of the land who suspended their shooting rights in the wood, the Friends of Hagg Wood and The Forestry Commission. Whilst the original agreement was for 5 years, the land has continued to be used, and the shooting rights not re-let.
35. Dunnington Parish Council in the nomination state that The Friends of Hagg Wood who are all local volunteers have been involved in 'managing' the wood since the group was formed in 1996 to enable the wildlife and the rich ecological features of the original ancient woodland to be restored and to promote its values. The Two well used public rights of way which run through the wood provides ease of access and a means by which to observe the flora and fauna close at hand.
36. The Parish Council advises that residents use the wood for walking, running, bird watching, dog walking and horse riding (with the consent of Forestry England). Local schools and community groups use the woodland for environmental education, nature studies and volunteering projects
37. Full details are provided in the nomination form and further information in Annex 3 & 4

38. On behalf of The Church Commissioners for England, their Agents Fisher German advise that whilst the woodland does provide recreational and amenity benefits to the local community, these are ancillary to its principal use as a managed forestry asset. They advise that the relevant statutory tests are set out in S88 of the Localism Act 2011 and subsection 1 being the relevant clause to consider for The Friends of Hagg Woods ancillary use of the land.
39. Fisher German make reference to the 2003 agreement between their client, the Forestry Commission & the Friends of Hagg Wood and highlighted that no executed copy of this agreement exists. Only an unsigned draft Memorandum of Understanding could be found. They advise that the Forestry Commission Forest Plan included with the Nomination is a forestry management plan which gives clear evidence that Hagg Wood is being managed for forestry purposes whilst recognising its recreational benefits.
40. Full details are provided in Annex 5
41. Three further emails of objection have been made to Hagg Wood being granted ACV status, details are provided in Annex 6
42. Hagg Wood appears to have developed a community focus and, for the reasons set out above and further in the nomination form, has been using the land in a way which engages and strengthens community bonds, adding to the social value of the community; therefore the application meets the criteria for this part of the legislation.
43. The application however does not meet the eligibility criteria for listing. It is therefore recommended that Hagg Wood should be rejected as an ACV.

Nominations for Renewal of ACV Listings

44. Successful nominations are added to the Asset of Community Value register and remain on the list for a period of 5 years. Following expiry, the entry is removed.

45. It is proposed that any renewal nomination received for a property that has been listed on the Asset of Community Value register be referred to the Director of Finance in consultation with the Director of Governance for decision.
46. For the avoidance of doubt, new nominations will continue to be sent for Executive Member decision.

Consultation Analysis

As required by the Assets of Community Value Regulations, the owners of the properties have been consulted regarding the applications and have been invited to make representations. No representations have been received from the registered owner regarding the listing.

Options Analysis and Evidential Basis

47. The applications to list Hempland Lane Allotment Community Wildlife Area & Hagg Wood as Assets of Community Value can either be accepted or rejected. There are no other options, as it is considered that sufficient information has been provided for a decision to be made.
48. If the decision is to approve the ACV nomination application, then the owner of the property has a statutory right to request a review of that decision by submitting a review request to the Council within 8 weeks of the decision date. (If the decision is to reject the ACV nomination application, the legislation does not give the nominating group any right to appeal that request, though they could potentially seek a Judicial Review of the decision by submitting a claim to the High Court.)

Organisational Impact and Implications

49.
 - **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could

include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

- **Human Resources (HR)** – None
- **Legal** – Advice and comments have been sought from Legal Services and incorporated in this report.
- **Procurement** – None

- **Health and Wellbeing** – The added protection of an ACV around a physical activity facility which caters for some of our more vulnerable and poorer residents has health and wellbeing benefits which should be considered in decision making.
- **Environment and Climate action** – No direct environmental impacts but buildings of community value are key and underpin a sense of place
- **Affordability** – None
- **Equalities and Human Rights** – None
- **Data Protection and Privacy** – Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines.
 - DPIAs helps us to assess and demonstrate how we comply with all our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.
 - The DPIA screening questions identified that whilst there is processing of personal, it is not likely to result in a high risk to the rights and freedoms of individuals. Therefore, a simple DPIA was completed which identified the data protections risks as well as the mitigations either in place or that need to be put in place, to minimise these identified risks such as redacting or withholding personal identifiable information from the public report where we do not have a lawful basis to publish it

- **Communications** – This is a routine statutory process. However, given the high level of community use and support for the venue, there may be public or stakeholder interest. Should this arise, communications will be able to support. Proactive messaging opportunities also exist to highlight the value of Assets of Community Value in sustaining vibrant neighbourhoods.
- **Economy** – None
- **Specialist Implications Officers** – None

Risk Management

50. The freeholder may appeal against the Council's decision to list their property as an asset of community value. In the first instance the property owner should ask the council to review its decision. If the Council upholds its decision to list the owner may appeal to the First-Tier Tribunal. If the decision is to reject the ACV nomination application, the nominating organisation may seek a Judicial Review of the decision by submitting a claim to the High Court. In both cases this can be a long and costly procedure.

Wards Impacted

Osballdwick & Derwent
Heworth

Contact Details

For further information please contact the authors of this Decision Report.

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Annexes

- Annex 1 – Hempland Lane Allotment Community Wildlife Area – Redacted Application to add to the list of assets of community value.
- Annex 2 – Hempland Lane Allotment Community Wildlife Area – redacted Supporting Names & Signatures
- Annex 3 – Hagg Wood – Redacted Application to add to the list of assets of community value.
- Annex 4 – Hagg Wood – Forest Plan FP56 2024
- Annex 5 – Hagg Wood – Agent response on behalf of freeholder
- Annex 6 – Hagg Wood – Redacted objection correspondence to nomination
- Annex 7- Current list of Assets of Community Value

Abbreviations used in the used in the report.

- ACV – Assets of Community Value
- DPIA – Data Protection Impact Assessment
- CAMRA – Campaign for Real Ale