

26 August 2026

By email only: [REDACTED]

City of York Council
West Offices
York
YO1 6GA

Dear [REDACTED]

Hagg Wood – ACV Nomination Comments

We write as the duly authorised agent for the Church Commissioners for England, the freehold owner of Hagg Wood, in response to the nomination of Hagg Wood as an Asset of Community Value, as detailed in your letter dated 27 July 2026.

Background

Hagg Wood is subject to a 999-year lease dated 25 September 1952 made between (1) the Church Commissioners for England and (2) The Minister of Agriculture and Fisheries. The current tenant of the lease is the Secretary of State for Environment Food and Rural Affairs care of Forestry Commission, and Hagg Wood is actively managed by Forestry. Whilst the woodland provides recreational and amenity benefits to the local community, these are ancillary to its principal use as a managed forestry asset.

Relevant Statutory Tests

The relevant statutory tests are set out in section 88 of the Localism Act 2011 ("2011 Act") with our emphasis added -

Current non ancillary use

"(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."*

Or in the alternative, a non-ancillary use in the recent past (subsection 2 of s88) -

"(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."*

We consider the test in subsection 1 to be the relevant one to consider as there is a current use by the Friends of Hagg Wood but that use is ancillary to the primary use of the land.

Current ancillary use

The community benefits relied on in the application arise through Forestry England's long-standing management of the woodland under the leasehold interest rather than through the ownership of the freehold. The Secretary of State for Environment Food and Rural Affairs care of Forestry Commission will remain the leaseholder irrespective of any disposal of the freehold (as the land would not be disposed of with vacant possession), and therefore the current ancillary use is unlikely to change and the statutory test in section 88(1)(a) of the 2011 Act has not been satisfied.

Applicants' reliance on unsigned agreement

Reference has been made in the nomination form to a 2003 "agreement" between the Church Commissioners for England, the Forestry Commission and the Friends of Hagg Wood. We would highlight that no executed copy of this document has been located by the Church Commissioners for England or the Forestry Commission (or provided in the application) and, accordingly, whether it exists (and therefore the legal basis on which the Friends of Hagg Wood use the woodland) remains uncertain.

The Church Commissioners for England have, however, located a draft (unsigned) memorandum of understanding dated 5 May 2003 which is expressed to be made between (1) The Forest District Manager, Forestry Commission (2) the Church Commissioners and (3) the Friends of Hagg Wood and which, in any event, is expressed to be for a fixed term of five years only and establishes that any activities undertaken by the Friends of Hagg Wood will remain subordinate to and should not frustrate the primary use of forest management by the Forestry Commission. Therefore, even if the memorandum of understanding had been executed, its existence would not support the statutory test set out in subsection 1 of the section 88 of the 2011 Act.

No earlier application to list as ACV

We also note that the Friends of Hagg Wood was established in 1996 and has therefore been active as an organisation for approximately three decades. Since the relevant provisions in the 2011 Act came into force, no application has been made to register the woodland as an Asset of Community Value.

The current nomination seems to have only arisen following the public marketing of the Church Commissioners for England's wider Scoreby Estate and, at this point, Hagg Wood and the wider estate are already under offer to a proceedable purchaser. Whilst the timing of the current nomination may be seen as irrelevant, it does not alter the longstanding and primary use of the woodland as a forestry asset.

It is also notable that the nomination has been made by Dunnington Parish Council and as such, whilst the Church Commissioners for England have received engagement from Friends of Hagg Wood and its members directly, to date no contact has been forthcoming from Dunnington Parish Council regarding the community use of the woodland or their intent or interest to seek to acquire the site. We also note that section 96 of the 2011 Act (which defines any "relevant disposals" that will be subject to the notification requirements and process set out in section 95) indicates that only a disposal of the freehold estate with vacant possession is subject to the requirements of section 95. As outlined above the proposal is for the freehold estate to be sold subject to the lease in favour of the Forestry Commission.

The nomination is accompanied by Forestry England's Forest Plan FP56 (2024-2034). We would respectfully note that this document is fundamentally a forestry management plan and provides clear evidence that the woodland is being actively managed for forestry purposes. Whilst the plan recognises the recreational benefits enjoyed by the local community, it also demonstrates that timber

production, woodland management, ecological/habitat restoration and long-term forest resilience remain key management objectives of the Forestry Commission and the primary use of the land.

For these reasons, we do not consider that the statutory criteria for listing have been satisfied and respectfully request that the nomination be refused. In due course please notify us of your decision.

Your sincerely

[REDACTED]

MSc MRICS

Surveyor

For and on behalf of Fisher German LLP