

Nomination of a Community Asset – Land Behind 1 Green Lane, Trottiscliffe

1. Background

- 1.1 On 23 June 2021, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Trottiscliffe Parish Council, in respect of Land behind 1 Green Lane, Trottiscliffe (“the Land”).
- 1.2 The nomination describes the Land as follows: *“Area of grass with some established trees. This is a pocket of land in a rural village which we wish to protect from development. There are allotments in the land and also there has been a lot of development. This is a private road not maintained by KCC and we would like to protect the land and the trees on it. This is a lovely area for children to play, people to walk. Some really lovely specimen trees “*
- 1.3 The nomination demonstrates that the land is currently in use for recreational purposes. The landowner is a Housing Association (Clarion Housing Group).
- 1.4 Following a request from the Borough Council for additional information, the Parish Council (the nominator) describes the uses of the land as follows:

“This community piece of land was retained and not built on when the adjacent houses were built by the Housing Association to both protect the mature trees that sit on it and to provide some much-needed amenity land. Green Lane is a narrow lane with no footpaths and does not provide any other safe playing areas or space to walk. This land is therefore a very important community asset, and we wish to ensure that the local residents can enjoy this open space for many years to come. In the summer the land is regularly used for picnics and games by both the residents and walkers who use the nearby public right of way”.

2. Legal Framework

- 2.1 Section 90 of the Localism Act 2011 (“the Act”) states:

“90 Procedure on community nominations

(1) This section applies if a local authority receives a community nomination.

(2) The authority must consider the nomination.

(3) The authority must accept the nomination if the land nominated—

(a) is in the authority's area, and

(b) is of community value.

(4) If the authority is required by subsection (3) to accept the nomination, the authority must cause the land to be included in the authority's list of assets of community value.

(5) The nomination is unsuccessful if subsection (3) does not require the authority to accept the nomination.

(6) If the nomination is unsuccessful, the authority must give, to the person who made the nomination, the authority's written reasons for its decision that the land could not be included in its list of assets of community value."

2.2 By s.88 of the Act, land is of "community value" if:

"in the opinion of the [Council]—

(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 opinion of the [Council]—

(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."

2.3 Land may only be listed in response to a community nomination (or in other prescribed circumstances which are not applicable here). A "community nomination" includes a nomination by a Parish Council.

3. Assessment of Nomination

Is it a "community nomination"?

The nomination has been made by a Parish Council in respect of land within its area, which meets the requirements of s.89(2) of the Act for a community nomination.

Is there an "actual current use" or "time in the recent past" where the land was in community use

The Land is currently in use for recreational purposes. The nomination states that this is used "for children to play and people to walk" which is a use which furthers social interests or social wellbeing. There are general community benefits of space outdoors where "in the summer the land is regularly used for picnics and games by both the residents and walkers" which would suggest that this land is and would be *capable* of use in a manner which furthers social interests and/or social wellbeing.

Is there a realistic prospect in the next 5 years of a community use?

The Land is in current use for recreational purposes and there appears to be no indication that such use would not or could not continue.

4. Conclusion and Decision

- 4.1 The Council has received a valid community nomination for the Land.
- 4.2 The Land was, in the recent past, in a use or uses which furthered the social wellbeing of the local community.
- 4.3 It is realistic to think that the Land could be put to such uses within the next 5 years.
- 4.4 The Land is in the Council's area and is of community value. The Land should therefore be included in the Council's list of assets of community value.