

Nomination of a Community Asset – Leybourne Grange Football Ground

1. Background

1.1 On 7 April 2022, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Leybourne Parish Council, in respect of Leybourne Grange Football Ground (“the Land”).

1.2 The nomination describes the Land as follows:

“Football pitches located on the boundary of the Leybourne Grange Riding Centre” and state that “This land should remain managed/ owned by the local authority for recreational use. The current local football club has outgrown the private entity on Leybourne Chase and residents of Leybourne should also have a recreational area that they children can use”

1.3 The nomination indicates that currently the land is disused. The landowner is Homes and Communities Agency.

1.4 The Parish Council (the nominator) describes the land as follows:

*“The football fields used to be used by Leybourne Football Club at a reasonable cost as it was not a private money making entity, the use of the football fields has a positive impact on children
Improving heart health and blood pressure.
Increasing muscle mass and bone strength in inactive individuals.
Reducing body fat.
Building strength, stamina and speed.
Training your brain, improving concentration and coordination”.*

The Parish Council also state:

“Leybourne Parish Council are willing to invest in the football fields to make them available to local residents”

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 described as “disused” however, in the recent past the fields were used by Leybourne Football Club and “*had a positive impact on local children*” and it is fair to assume that playing football would be considered as a use which furthers social interests or social wellbeing. In addition, the Parish Council have stated they “*are willing to invest in the football fields to make them available to local residents*” this would suggest that this land 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 currently described as “*disused*” however the Parish Council have stated they “*are willing to invest in the football fields to make them available to local residents*” this would suggest that this land would be *capable* of use in a manner which furthers social interests and/or social wellbeing, therefore there is a realistic prospect in the next 5 years of a community use.

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.