

Nomination of a Community Asset – East Peckham Allotments

1. Background

- 1.1 On 3 July 2023, Tonbridge and Malling Borough Council (“the Council”) received a nomination for a community asset from Mereworth Parish Council, in respect of Mereworth Allotments (known as Great Fowle Meadow), The Recreation Ground, The Street, Mereworth, Kent, ME18 5NA (“the Land”).
- 1.2 The nomination describes the Land as follows: *“Situated to the Northern end of Recreation area. Boundary A228 Malling Road, Butchers Lane”*
- 1.3 The nomination demonstrates that the allotments are currently in use. The landowner is Tregothnan Estates. The nomination states that the occupier is Mereworth Parish Council.
- 1.4 The nomination describes the uses of the Land as follows:

“The allotments provide the opportunity for residents and local people to grow their own produce. The benefits of this are that they are able to pick fresh produce with obvious health benefits. It also provides exercise and fresh air to further their well being. There is the added benefit of the opportunity to meet with fellow plot holders.”

They also state:

“The Parish Council leases the ground from Tregothnan Estates on an 5-year Lease. This has been on-going for many years. The Parish Council intends to continue the lease into the future.”

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 allotment gardening. There appear to be general community benefits of allotment gardens and it is clear that allotment gardens are *capable* of use in a manner which furthers social interests and/or social wellbeing. It is reasonable to consider allotment gardening as an activity which furthers social wellbeing and/ or social interests.

Mereworth Allotments are privately owned and not held by the Parish Council under the Allotments Act 1925 and would not therefore be excluded from listing by virtue of this.

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

The Property is in current use as allotment gardens 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.