

RIBBLE VALLEY BOROUGH COUNCIL



NOTICE UNDER SECTION 91 AND 93 OF THE LOCALISM ACT 2011 IN RESPECT OF COMMUNITY NOMINATION OF WADDOW HALL, 1 BRUNGERLEY COTTAGE, 2 BRUNGERLEY COTTAGE AND THE LAND LYING TO THE SOUTH OF WADDOW HALL DATED: 7 AUGUST 2023

The Nomination

On or about the 12 June 2023, Ribble Valley Borough Council received a Nomination under Section 89 of the Localism Act 2011 (the Act) to list Waddow Hall, 1 Brungerley Cottage, 2 Brungerley Cottage and the land lying to the south of Waddow Hall as an Asset of Community Value (the Asset).

The Nomination was made by Friends of Waddow. A copy of the Nomination which includes a plan showing the boundaries of the nominated land is attached at Appendix 1. The owners/occupiers of the land have been informed by the Council that a nomination has been received.

A summary of the request for nomination is set out below.

- a) The nomination area includes: (1) Waddow Hall, Waddington Road, Waddington, Clitheroe, BB7 3LD registered under Title Number LAN210364. (2) Land lying to the south of Waddow Hall, Waddington Road, Waddington, Clitheroe registered under Title Number LAN172916. (3) 1 Brungerley Cottage, Waddington Road, Clitheroe, and land at the back BB7 3HG registered under Title Number P72489. (4) 2 Brungerley Cottage, Waddington Road, Clitheroe, BB7 3HG registered under Title Number LAN2282.
- b) Recreational and sporting activities are carried out at Waddow Hall for the local community.

The Law and Statutory Guidance

Under Section 87 of the Act, the Council must maintain a list of Land of Community Value in its area. The Council must also, pursuant to Section 93, maintain a list of land which is the subject of an unsuccessful community nomination.

A community nomination in England can only be made by either a Parish Council in respect of land within its area, or by a person that is a voluntary or community body with a local connection. Where a voluntary community nomination is made, the Council must consider it and must accept the nomination if the land is within its area and is of community value.

Decision and Reasons

The Council resolved at its Policy and Finance Committee on 29th day of January 2013 that the determination of applications for nomination of assets be delegated to the Head of Legal and Democratic Services (inter alia).

The nomination by Friends of Waddow is unsuccessful. The land will therefore be placed on the list of land which is the subject of an unsuccessful Community Nomination.

The reasons for this decision are as follows:

a) The Council is satisfied that the nomination was validly made for the following reasons:

1. The land falls within the administrative areas of Ribble Valley Borough Council.
2. Friends of Waddow is eligible under Section 89(2)(b)(iii) to make a Community Nomination in respect of the land.
3. The Community Nomination made by Friends of Waddow includes the matters required under Regulation 6 of The Assets of Community Value (England) Regulations 2012 ("Regulation(s)").

b) However, the nomination is rejected by the Council for the following reasons:

1. The Land as nominated includes land which the regulations specifically prescribe as not being of community value and therefore may not be listed.

Regulation 3 states that "*A building other land with a description specified in Schedule 1 is not land of community value and may not therefore be listed.*"

Schedule 1 (1), (5) & (2) of the Regulations state that:

*"(1) Subject to sub-paragraph (5) and paragraph 2, a **residence together with land connected with that residence.***

.....

(5) Land which falls within sub-paragraph (1) may be listed if –

- (a) the residence is a building that is only partly used as a residence; and*
- (b) but for that residential use of the building, the land would be eligible for listing.*

2 For the purposes of paragraph 1 and this paragraph _____

- (a) "residence" means a building used or partly used as a residence;*
- (b) a building is a residence if _____*
 - (i) it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;*

Based on the information provided, 1 and 2 Brungerley Cottage registered under Title Numbers P72489 and LAN2282 are utilised for solely residential purposes and cannot be listed.

Schedule 1, (4) of the Regulations also includes:

"(4) Operational land as defined in section 263 of the Town and Country Planning Act 1990.

Based upon the information available and the response received from the Environment Agency, it would appear that the land included in the leasehold title LAN172916, meets the definition of Operational Land and that the Environment Agency is a Statutory Undertaker for those purposes. As such this Land also cannot be listed.

2. Whilst the local authority is satisfied that Land as nominated has a current primary use as recreational land which furthers the social wellbeing and/or social interest of the local community, in light of the inclusion of 1 and 2 Brungerley Cottages and the land lying to the south of Waddow Hall within the nomination it cannot be listed as an asset of community value.

Signed Date 7/07/23

Further information about Assets of Community Value is available from the website:

<http://mycommunityrights.org.uk/community-right-to-bid/>.

Details of this decision will be placed on the Council's website.

APPENDIX 1

ASSETS OF COMMUNITY VALUE THE COMMUNITY RIGHT TO BID NOMINATION FORM

Before completing this form, please read the material at:

<http://mycommunityrights.org.uk/community-right-to-bid/>

When completed the form should be sent to the local authority that covers the area in which the asset is located.

Section 1: The name of your organisation

| |
|---|
| Name of organisation <i>(full name as written in your constitution or rules(if appropriate))</i> : Friends of Waddow |
| Address including postcode: Waddow Hall, Waddington Road, Clitheroe. BB7 3LD |

Section 2: Contact details

| |
|---|
| Name: [REDACTED] |
| Position in the organisation: Chairperson |
| Address including postcode: 811 Rochdale Road, Slattocks, Middleton Manchester M24 2RA |
| Daytime telephone No: [REDACTED] |
| Mobile telephone No: [REDACTED] |
| Email address: [REDACTED] |
| How and when best to contact you <i>(by email or phone, and days of the week and / or times your prefer)</i> : Anytime by phone or email |

Section 3: Type of organisation

| Description | Indicate all that apply | Registration number of charity and / or company if applicable |
|----------------------------------|-------------------------|---|
| Neighbourhood forum | | |
| Parish council | | |
| Charity | ✓ | 306016 |
| Community interest company | | |
| Unincorporated body | | |
| Company limited by guarantee | | |
| Industrial and provident society | | |

Section 4: Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 members must be registered to vote locally. If they are registered to vote in the area of a neighbouring local authority, please confirm what this area is.

See attached sheet

Section 5: Local connection

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area in which the nominated asset is located. Please explain what your organisation's local connection is.

See attached

Section 6: About the land or buildings(s) you are nominating

What it is (e.g. public, local shop, recreation land): Waddow Hall estate is set in a tranquil area on the banks of the River Ribble and holds the fishing rights to a section of the river. It consists of numerous accommodation buildings and recreational land. There are 5 campsites.

Name of the premises (The Volunteer Pub, Jones stores):

Waddow Hall

Address including postcode (if know):

Waddington Road,
Clitheroe.
BB7 3LD

Section 7: Details of the land

Please include details of the boundaries of the land you are nominating.

See attached Land Registry Title and map.

You should supply the following information, if possible. If any information is not known to you, please say so.

| | Name (s) | Address (es) |
|---|----------------|--------------|
| Names of all current occupants of the land | Girlguiding UK | [REDACTED] |
| Name of current and last known addresses of all those owning freehold of the land | As above | |
| Names of current or last known addresses of all those having a leasehold interest in the land | [REDACTED] | [REDACTED] |

Section 8: Why you think the building or land has community value?

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past and if so how?

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

Waddow Hall provides a safe space for community groups and people to gather to meet and enjoy the tranquil surroundings which benefits the social health and welfare of the community. We provide fundays for the public to enjoy as well as special events such as the late Queen's Diamond Jubilee and the new King's Coronation. Our Christmas Tree Festival has become an annual event which is open to the public and we provide activity evenings for local units to enjoy. It also safely provides Schoolz Out in the school holidays, a programme of supervised activities for children in order to support working parents.

The public footpath through the estate is used daily by dogwalkers, ramblers and hikers.

Waddow would continue to supply all the big Guiding events such as a fun day for Rainbows, Magic and Mayhem for Brownies a circus themed event and Wellies and Wristbands, an event for 11 year olds and above featuring pop concerts in the evening. It would also continue to offer itself as a venue for national events, weddings, family celebrations and birthday parties.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

As stated above Waddow will continue with the events it has already established and is always open to new ideas and requests. It is always evolving and introducing new challenges.


Plans were in the pipeline for additional areas to supply further holiday accommodation and new activities but these were put on hold with the announcement of closure. These would certainly be resurrected if Friends of Waddow acquires the property and we will continue to work with the Manager and staff team to develop events and facilities..

Section 9: Submitting this nomination

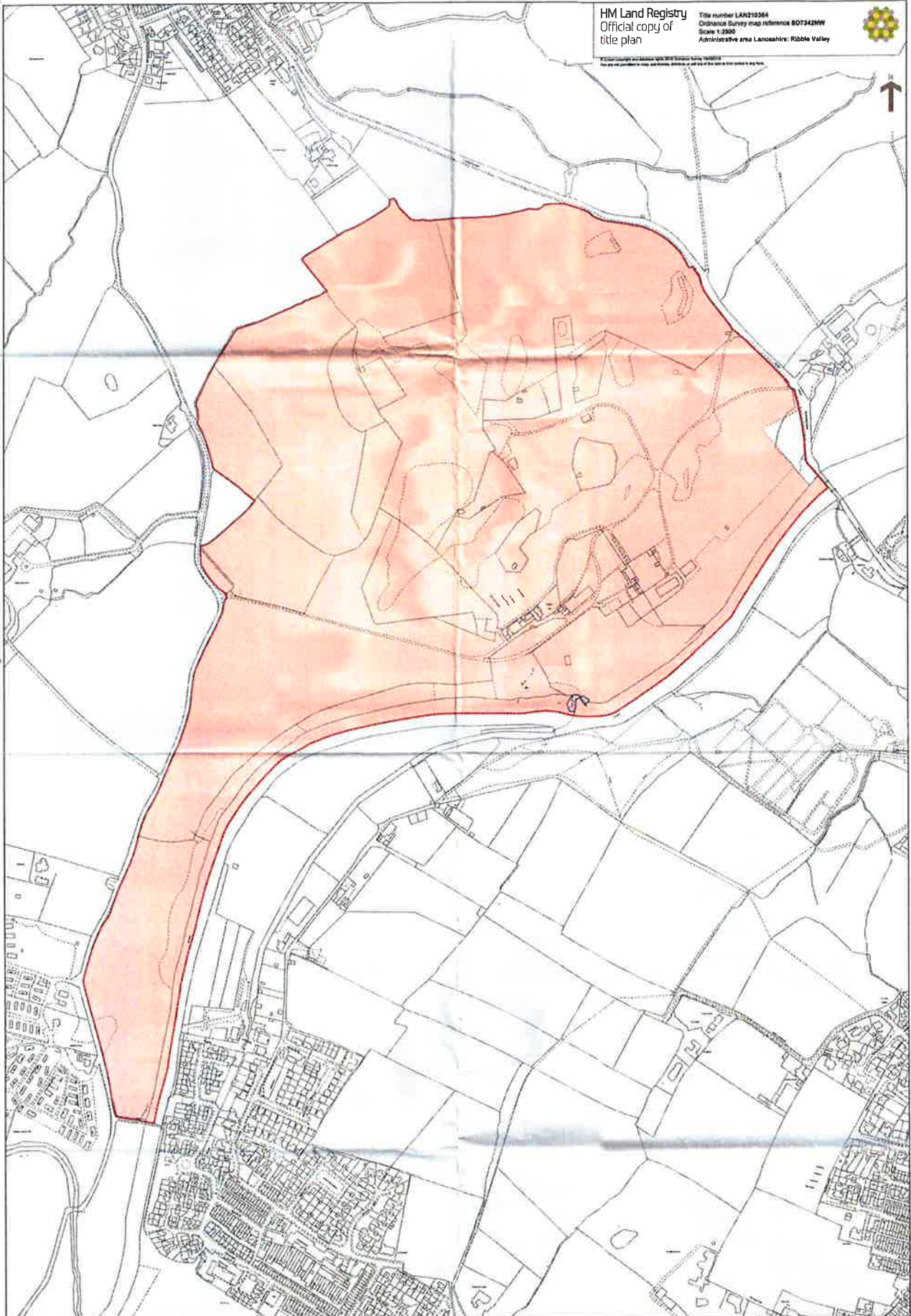
What to include

- Evidence that the nominator is eligible to make a community nomination (The rules of your organisation / constitution)
- Names & Addresses of 21 Members who are registered to vote in the local community if the organisation is an unincorporated body

Signature



By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.



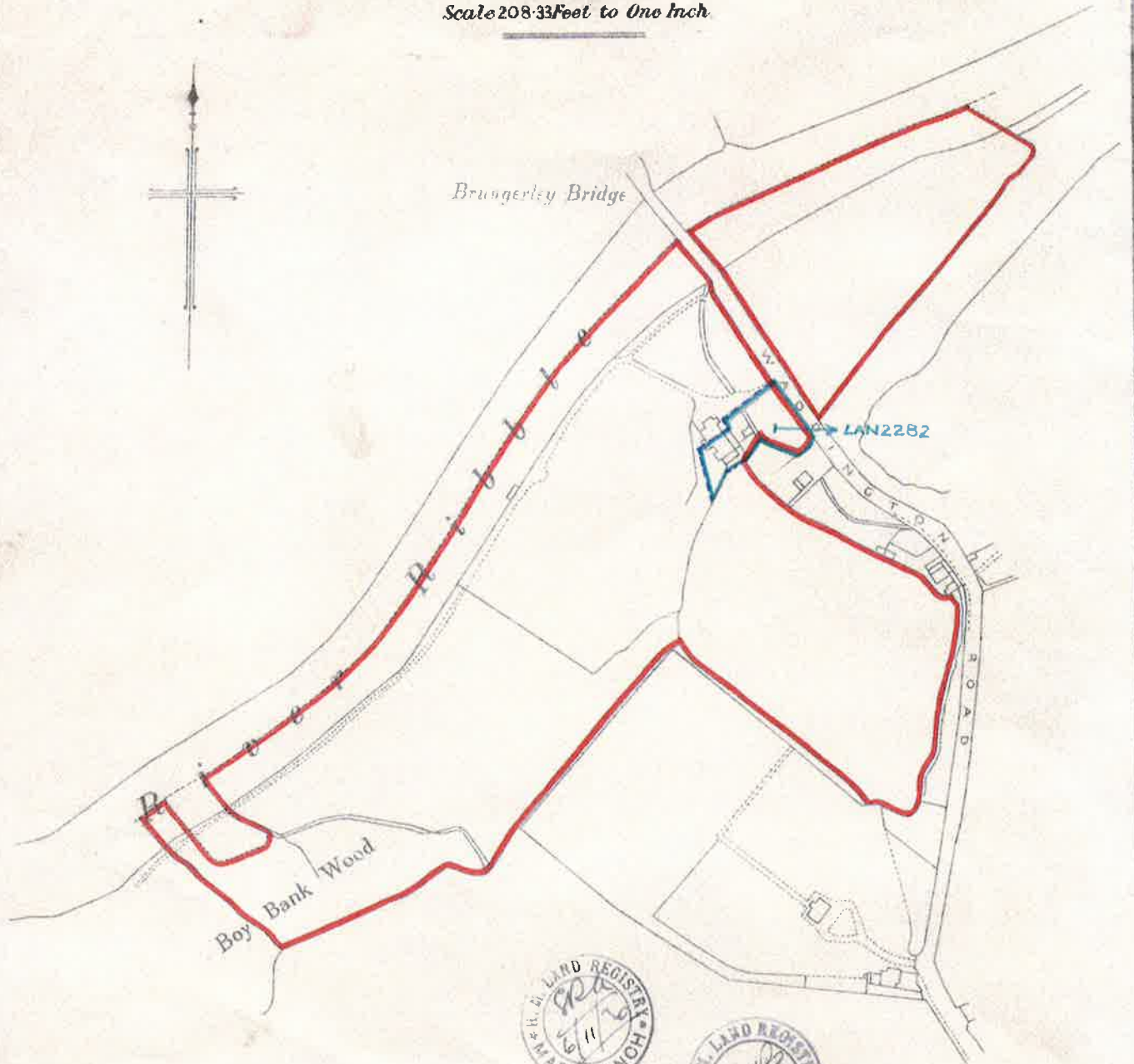
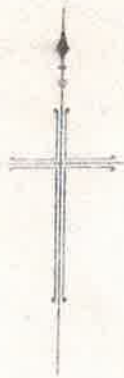
This official copy made on 18 April 2018 shows the state of this title plan on 18 April 2018 at 11:31:28.
It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.
This title is dealt with by HM Land Registry, Fylde Office.

H. M. Land Registry.

Certificate Copy
of the

Filed Plan of Title No **P.72489**

Scale 208.33 Feet to One Inch

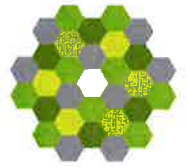


ORDNANCE SURVEY LANC'S XLVII. 10. c. 2 & 5

PARISH CLITHEROE. 41

HM Land Registry
Official copy of
title plan

Title number **LAN2282**
Ordnance Survey map reference **SD7342NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Lancashire : Ribble Valley**



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