

CABINET

30 JANUARY 2026

REPORT OF THE LEADER OF THE COUNCIL AND PORTFOLIO HOLDER FOR FINANCE AND GOVERNANCE

A.1 DELEGATED POWERS FOR ASSETS OF COMMUNITY VALUE & DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: GREAT BENTLEY FOOTPATH 2 GOING THROUGH LAND AT CRABTREE FARM, COLCHESTER ROAD, GREAT BENTLEY AND LAND LYING TO THE NORTH OF STURRICK LANE, GREAT BENTLEY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To agree that determinations and internal reviews for future applications for Assets of Community Value be delegated to Officers, under the Council's Scheme of Delegation for Executive Functions and that the Monitoring Officer amend Part 3, Schedule 3 of the Council's Constitution accordingly.

To determine whether Great Bentley Footpath 2 meets the criteria set out in the Localism Act 2011 ("the Act") and the Assets of Community Value (England) Regulations 2012 ("the Regulations") following its nomination as an Asset of Community Value by Great Bentley Parish Council.

EXECUTIVE SUMMARY

Following a review undertaken by the Council's Corporate Director (Law and Governance) in accordance with a former decision of Cabinet, best practice indicates that decisions on listing nominations for assets of community value are determined by officers and an internal review is undertaken by a director not previously involved with the decision. Consequently, Cabinet's authority is sought for the Scheme of Delegation for Executive Functions (Part 3, Schedule 3) of the Council's Constitution to be amended to include the determinations and review process at Officer level.

A valid nomination to register an asset of community value has been received for Great Bentley Footpath 2 as identified in the plan included within Appendix A.

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

Cabinet is requested to consider the content of the nomination assessed against the statutory criteria (and no other factors) and determine whether the asset should be included within the Council's List of Assets of Community Value.

Taking the evidence provided into account and following the assessment undertaken by Officers it is recommended that Cabinet determine that the land nominated does not meet the

criteria set out Section 88 of the Localism Act 2011 for the reason set out in the report and therefore should not be listed as an Asset of Community Value.

RECOMMENDATION(S)

That Cabinet:

- a) approves the determination and internal review process for Assets of Community Value being delegated to Officers in line with the process identified within the report for future nominations received;
- b) subject to (a) requests the Chief Executive to identify the relevant directorate and Officers to exercise the delegations and agrees that the Portfolio Holder with responsibility for the oversight of Assets of Community Value should be the Portfolio Holder for Assets and Community Safety;
- c) subject to (a) and (b) requests the Monitoring Officer, following consultation with the Chief Executive on the relevant service area, to make the necessary amendments to the Responsibility for Executive Functions section within Part 3, Schedule 3 of the Council's Constitution;
- d) following consideration of the contents of the report, determines that Great Bentley Footpath 2 going through land at Crabtree Farm, Colchester Road, Great Bentley, and land lying to the north of Sturrick Lane, Great Bentley, does not meet the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011; and
- e) subject to (d) determines the asset should not be added to the Council's list of Assets of Community Value for the reasons set out in the report being notified to the nominating body.

REASON(S) FOR THE RECOMMENDATION(S)

Procedures:

Cabinet has previously acknowledged that since the legislation and regulations came into force, guidance, case law and application of the Assets of Community Value framework has developed and that the functions can effectively and efficiently be undertaken at operation level by suitably identified officers. This report sets out the delegated process for future determinations.

Nomination:

The nomination does not satisfy the criteria set out in Section 88(2)(a) of the Localism Act 2011, as outlined in the Assets of Community Value Assessment Criteria, for the following reasons:

The land over which the nominated footpath/bridleway runs is currently designated as agricultural land. The inclusion of only the footpath/bridleway on the register of Assets of Community Value would not further the social wellbeing or social interests of the local community in relation to its current non-ancillary use.

Also, the nominator has acknowledged within the nomination form that acquiring only the footpath/bridleway would be challenging due to the scale of the land on which it is situated. They have not provided sufficient evidence to demonstrate how such a purchase would be financially viable.

Extract from Adamyk, S., (2017), *Assets of Community Value Law and Practice*, Wildy, Simmonds & Hill Publishing,

FOOTPATHS ACROSS LAND

4.136 *Another of the issues which arose in Banner Homes Ltd vs St Albans City and District Council [2015] UKFTT CR/2014/0018 (GRC) concerned the use of footpaths across the nominated land. In that case, two public footpaths ran across a large field (about 5 hectares or 12 acres in size). The owner had recently erected fences alongside the footpaths so that it was no longer possible for the public to gain access to the rest of the field. The question arose whether the use of just these footpaths could qualify as use of the 5-hectare field as a whole.*

4.137 *The First-tier Tribunal (at [14] to [16]) adopted the same 'common sense approach' which had been adopted in relation to the equivalent question in the context of town or village greens. In that area of law, Sullivan J had stated in Cheltenham Builders Ltd vs South Gloucestershire District Council [2003] EWHC 2803 (Admin), [2003] 4 PLR 95 at [29]:*

The onus was upon the applicants for registration to prove on the balance of probability that the site had become a village green. Thus the applicants had to demonstrate that the whole, and not merely a part or parts of the site had probably been used for lawful sports and pastimes for not less than 20 years. A common sense approach is required when considering whether the whole of a site was so used. A registration authority would not expect to see evidence of use of every square foot of a site, but it would have to be persuaded that for all practical purposes it could sensibly be said that the whole of the site had been so used for 20 years.

4.138 *The First-tier Tribunal agreed that this same 'common sense approach' should also be applied in the context of the Act and ACVs. Applying that approach, the First-tier Tribunal considered that it could not sensibly be said that the narrow strips forming the public footpaths were such as to entitle the local authority to list the entire 5-hectare field. This seems a correct approach and conclusion. This particular point was not pursued when the decision was appealed to the Upper Tribunal.*

ALTERNATIVE OPTIONS CONSIDERED

The alternative to delegating the functions to Officers to undertake the determination process would result in the status quo of Cabinet making such decisions, which is against the Cabinet's collective strategic responsibility.

The functions could be delegated to the Portfolio Holder with responsibility for Assets of Community Value, however this is against best practice and benchmarking, for such matters to be delegated to officers to determine against a strict statutory framework.

The nomination has been considered as is standard against the assessing criteria as outlined above, and the alternative option would be to recommend adding the footpath to the list of Assets of Community Value if the criteria were met in full, which in this case they have not been as outlined above.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The relevant theme of the 2024-28 Corporate Plan ('Our Vision') is:

- Financial Sustainability and Openness:

"To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents. We will give clarity on where the Council spends the money it is provided with."

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in [Part 1 of the Local Government Act 1999](#) ("the 1999 Act") to "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness*".

The report recommends a revised way of working, with a view to being more efficient and effective with its use of resources and providing full detailed reasons for the nomination not meeting the requirements of Assets of Community Value.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The review of Assets of Community Value Procedures:

Benchmarking and reviewing practices elsewhere indicate determinations made in relation to Assets of Community Value (ACV) nominations are delegated to officers within planning, assets and community teams, with internal reviews being undertaken by an officer of suitable seniority (normally director level) who had not previously been involved in the initial decision.

The decision-making process follows similar formats to the following:

- (i) The responsible authority must decide whether land nominated by a community nomination should be included in the List of ACV within eight weeks of being nominated.
- (ii) The relevant Service/Team responsible for ACV (the Chief Executive will determine the relevant service area for Tendring District Council) will receive the nomination and carry out a Land Registry search.
- (iii) The 'ACV Team' will make a 'Gateway Assessment' of the nomination for e.g.
 - is the nominating group a valid community group?
 - does the asset appear to fit the definition of a community asset?

If it is clearly an invalid nomination, the nominating group/community will be informed with justification for refusal or asked to resubmit with adjustments.

- (iv) The ACV Team will consider valid nomination forms, and any representations owners wish to make over the eight-week decision making period, to undertake an assessment

to establish whether it fulfils the statutory requirements of the Localism Act 2011 and Assets of Community Value (England) Regulations 2012 ("the Regulations").

(v) A report will be prepared for the relevant Head of Service/Director with delegated authority to make the determination on whether to include the nominated asset on the Council List of ACV.

(vi) Once the decision to List is made, the asset owner and nominating community group will be informed.

Internal Review Process:

If the owner of an asset ("the owner") is placed on the List of ACV and they disagree with the decision, they will have eight weeks, from the date of the 'listing decision' letter, to request an internal review.

The Regulations require that the review is undertaken by a senior officer not involved in the original decision. The owner may appoint a representative, and the Council is required to provide all relevant documents to representatives. The owner/representative must make representations to the reviewer in writing. The Council has eight weeks to conduct the review, and the owner and authority will bear their own costs of the review. Following an internal review of the listing decision, the outcome with reasons will be recorded and the parties notified.

Appeal Process:

If the owner is unhappy with the outcome of the internal review of the listing decision, they have the right to appeal to the First Tier Tribunal. This must be made within 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact.

Following Cabinet's consideration, the Chief Executive, as Head of Paid Service will subsequently determine the directorate responsible for dealing with Assets of Community Value.

The Portfolio Holder for oversight of Assets of Community Value will be the Assets and Community Safety Portfolio Holder.

Great Bentley Footpath:

The owners of the land have been informed of the application via letter.

The Act and Regulations are intended to increase public engagement and foster community involvement against set criteria.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
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		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	N/A
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If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011:

- (1) 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.

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

The Assets of Community Value (England) Regulations 2012 ("the Regulations") specify details necessary to bring into force the Assets of Community Value provisions ("the Assets Scheme") in Part 5 Chapter 3 of the Localism Act 2011 ("the Act"). The Assets Scheme requires a local authority to maintain a list of buildings and other land in its area which are of community value, and ensure that when such land is to be sold local community groups will have the opportunity to delay the sale to enable them to prepare a bid to buy it.

Application of the legislation is set out in further detail in the Monitoring Officer's section below for assistance.

YES	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The review of the AVC procedures:

Has been undertaken by the Corporate Director (Law and Governance) who is also the Monitoring Officer.

Great Bentley Footpath nomination:

Prior consultation and legal advice were sought through the initial assessment of the nomination against the statutory criteria and application of case law. The recommendation that the land nominated does not meet the legal definition of an Asset of Community Value (ACV) is supported.

To be listed as an ACV one of two sets of criteria within Section 88 of the 2011 Act must be satisfied, with each of the two criteria containing two further conditions which must also be satisfied. The first condition is concerned with either current use or if there is no current community use then use in the recent past. The second condition is concerned with future use.

The assessment is carried out in two stages once a nomination has been made to the listing authority in relation to a particular asset.

Stage 1 of the assessment is governed by section 88(1)(a). It has to be determined whether “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” (“community use”). If it does, then for the asset to qualify as an ACV, sub-section (1)(b) requires in addition that “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.”

The principal requirements in the first stage are that there is an actual ‘community use’ which is not ‘an ancillary use’ and that in the future it is realistic to think that a non-ancillary community use will continue even if it is different to the current use. It is clear from the contents of the report that the land nominated to be registered is currently a footpath across farm land and is therefore, regarded as ancillary to its primary use of agricultural land.

If the asset does not qualify as an ACV in the first stage of the assessment, normally because there is no current community use, which is recommended in this case, then the assessment moves on to the second stage of the assessment which is governed by Section 88(2) of the 2011 Act.

In that second stage, the first condition that has to be satisfied is contained in sub-section (2)(a) and requires that there has been “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”. If there has then the second condition contained in sub-section (2)(b) is that 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.

The nomination form accepts that the land is currently used as a footpath, but this is an ancillary use to the farm land for agricultural purposes, therefore it is not necessary to consider if the land has furthered the social wellbeing or interests in the local community. In addition, it is acknowledged that it would be difficult that the footpath, forming part of a agricultural field could be used in a non-ancillary way, as it would be difficult to purchase.

The concept of the asset of community value is once registered, the community group has the right to hold up the disposal for up to six months should the owner decide to dispose of the land or building, and the right to bid.

In accordance with Section 90 (6) of the Localism Act 2011, if the nomination is unsuccessful, the authority must give written reasons for its decision. Regulation 11 of the Assets of Community Value (England) Regulations 2012 states that a review of the Council's decision could only be requested by the owner of the asset, therefore, no appeal can be made against a refusal to accept a nomination, only judicial review.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation. The Advice Note issued by Ministry of Housing, Communities and Local Government (MHCLG) states that if compensation exceeds £20,000 in any one financial year support can be requested through their burdens funding scheme.

YES	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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That there are no comments over and above those set out elsewhere within the report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	N/A
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk, and it is therefore not proposed to make a specific allocation.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The review of the procedures undertaken has demonstrated that best practice and the Regulations indicate determinations should be delegated to Officers. Acting under delegated powers should ensure statutory timescales are met, which have lapsed on a few applications. Therefore, the new procedures should improve efficiency and effectiveness.

MILESTONES AND DELIVERY

If Cabinet determines not to add the path/bridleway to the list it will be added to the unsuccessful community nominations list, and all the relevant parties will be informed of the outcome with the reasons to support the decision as set out in the report.

Delegations to Officers will be included within the Constitution upon expiry of the call-in period and arrangements in place for the decision-making process to follow the format set out in the report.

ASSOCIATED RISKS AND MITIGATION

There is always some risk that the decision in relation to the nomination will be controversial whether it is listed or not.

Consultation has been done with the Council's Monitoring Officer with a view to mitigating some of the risk and ensuring the reasons for the decision are clearly articulated. A decision not to list a nomination does not have a right to an internal review or appeal

EQUALITY IMPLICATIONS	
The nominating body lists several social and community activities that are likely overall to be progressive in terms of equality and diversity and will not be impacted by the decision.	
SOCIAL VALUE CONSIDERATIONS	
Not relevant to the purpose of the report	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
The Council is under a statutory duty to respond to the nomination received and consider it in accordance with the legal framework and therefore, is not impacted by the current phase of local government reorganisation or devolution. In relation to reviewing the procedures for determining Assets of Community Value and providing delegated authority for officers to undertake these functions on behalf of the Executive, this proposal in line with other authorities and therefore, will reduce the need to undertake further reviews following LGR. Where possible the Council will continue review policies and procedures and take the opportunities to standardise working arrangements where possible.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
The proposed decision is neutral in relation to the Council's emissions ambitions.	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	There will be no change to crime and disorder if the asset is not registered.
Health Inequalities	There will be no change to health inequalities if the asset is not registered.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	N/A
Area or Ward affected	The Bentleys & Frating

PART 3 – SUPPORTING INFORMATION

BACKGROUND
Chapter 3 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, also collectively known and described as Community Right to Bid place a duty on local

authorities in England and Wales to maintain a list of land in their areas that is land of community value as nominated by the local community.

The local authority must consider only if the nominated asset meets the criteria set out in Section 88 Localism Act 2011 in that it is satisfied:

- (a) the actual use, not an ancillary one, that furthers social wellbeing or social interest of the local community; and
- (b) that there can continue to be a non-ancillary use, which will further the social well-being or social interests of the local community.

The Council must maintain:

- A list of assets that are held to be of community value; and
- A list of assets identified in unsuccessful nominations.

If land or buildings are placed on the list of assets of community value:

- They remain on the list for five years;
- They are subject to a local land charge;
- If the owner wishes to sell (some exemptions apply) the asset they must notify the Council;
- The Council must notify the nominator and publicise the potential sale;
- All community groups have a six week window to register their intent to bid for the asset;
- If no registration of intent is received the owner may then sell the asset as they see fit (subject to any normal legal processes);
- If intent is registered community groups are then allowed a further 20 weeks (strictly 6 months from the date of the owner's notice) to raise money, reach agreement or otherwise bid for the asset;
- The owner may sell to a community group at any time but is never obliged to do so;
- If no community bid is made or accepted within the six months the owner may then sell the asset as they see fit;
- No further bid or moratorium can be made for a period of 18 months from the owner's notice; and
- If the owner suffers financial loss as a result of the imposition of either moratorium the Council must compensate the owner.

The provisions of the community right to bid does not:

- Restrict who the owner of a listed asset can sell their property to, nor at what price;
- Confer a right of first refusal to community interest groups;
- Enable a community group to trigger disposal of a site;
- Place any restriction on what an owner can do with their property, once listed, if it remains in their ownership.

Only the owner of the land has the right to seek a review of the decision to include any land on the list in accordance with Section 92 of the Localism Act 2011. This must be done in writing within 8 weeks of the written notice of inclusion of the land in the list.

The information below is based on guidance produced by the Public Law Partnership, sets out an overview of what the Act and Regulations intend to constitute as an “Asset of Community Value”.

The Act intends to apply to Land and Buildings Where:

1. The main use of the land or building **furtheres the social wellbeing or social interests of the local community** at the present time AND it is realistic to think that this can continue into the near future (even if the type of social use or benefit might change), or;
2. The main use of the land or building **furthered the social wellbeing or social interests of the local community** in the recent past AND it is realistic to think that this could again happen **in the next five years** (even if the type of social use or benefit might change).

The Act does not intend to apply to land where:

1. The main use of the land or **building furthered the social wellbeing or social interest of the local community some years ago** but is not presently in use for a social purpose, or;
2. The land or building has **not recently been, and is not currently, in use for a primarily social purpose**, or;
3. The land or building has been **empty or derelict** for many years and remains so today.

Since the Act and Regulations came into force guidance and case law has developed and more recently, the Government is proposing through the English Devolution and Community Empowerment Bill introducing new provisions relating to ACV. The Bill is currently working its way through Parliament.

The Bill will introduce a new Community Right to Buy which will mean that, when an ACV is put up for sale by its owner, community groups will be given the first opportunity to purchase this asset. The community group and asset owner will either negotiate a price for the asset, or an independent valuer will set a price based on the market value. Under Community Right to Buy, the moratorium on the sale of the asset will be extended to 12 months, giving community groups more time to raise funding to meet the agreed purchase price. Asset owners will be able to ask the local authority to check that community groups are making sufficient progress on the sale 6 months into the moratorium.

The definition of an ACV will also be expanded to help protect a wider range of assets, including those that support the economy of a community and those that were historically of importance to the community. Community groups will be able to appeal the local authority’s decision on whether an asset is of community value and local authorities will be supported to deliver the powers with new guidance.

Sporting Assets of Community Value

The Bill will therefore introduce a new type of ACV – the Sporting Asset of Community Value (SACV) and automatically designate all eligible sports grounds as such. As with the standard ACV regime, communities will have the first right of refusal when a ground is put up for sale. SACV status will also provide enhanced protections for sports grounds.

PREVIOUS RELEVANT DECISIONS

Cabinet on 16 December 2022, Minute 88 (2) requested that the formal procedure for administering Assets of Community Value, adopted by Cabinet in 2015, be reviewed to enable determinations to be made by Officers under delegated powers and the appropriate review mechanism proposed for consideration.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Non-statutory advice notes for local authorities produced by DCLG Community Right to Bid – October 2012

APPENDICES

Appendix A – Nomination Form

REPORT CONTACT OFFICER(S)

Name	Kirstin Foley Lisa Hastings
Job Title	Economic Growth Officer Corporate Director (Law and Governance)
Email	kfoley@tendringdc.gov.uk

Appendix A – Nomination Form

Tendring
District Council



LOCALISM ACT 2011

THE COMMUNITY RIGHT TO BID

NOMINATION FORM

A: You and your organisation

Your Name	Jennifer Spear
Your Organisation (full official name)	Great Bentley Parish Council
Your position in the organisation	Clerk to the Council
Organisation address (including postcode)	Great Bentley Village Hall Plough Road Great Bentley CO7 8LD
Daytime telephone no.	01206 256 410
Email address	clerk@greatbentleyparishcouncil.gov.uk
How and when can we contact you?*	Mon – Friday 09:00 – 15:

*other correspondence address or preferred way or time for us to contact you

Type of organisation

Description	Put a cross X against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

Unincorporated bodies only:

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Tendring District or an adjoining authority. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Tendring, please confirm which area that is.

Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Tendring District Council or a neighbouring local authority. Please explain what your organisation's local connection is.

We are the Parish Council in Great Bentley – this asset is in Great Bentley

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Tendring or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

N/A

A7 More about your organisation

What are the main aims and activities of your organisation?

To represent the local community, deliver services to meet local needs and strive to improve the overall quality of life within the parish. We are the first tier of local government ensuring residents voices are heard on important issues and working to enhance the community's well being.

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	X – Standing Orders

- **Part B: About the land or building(s) you are nominating**

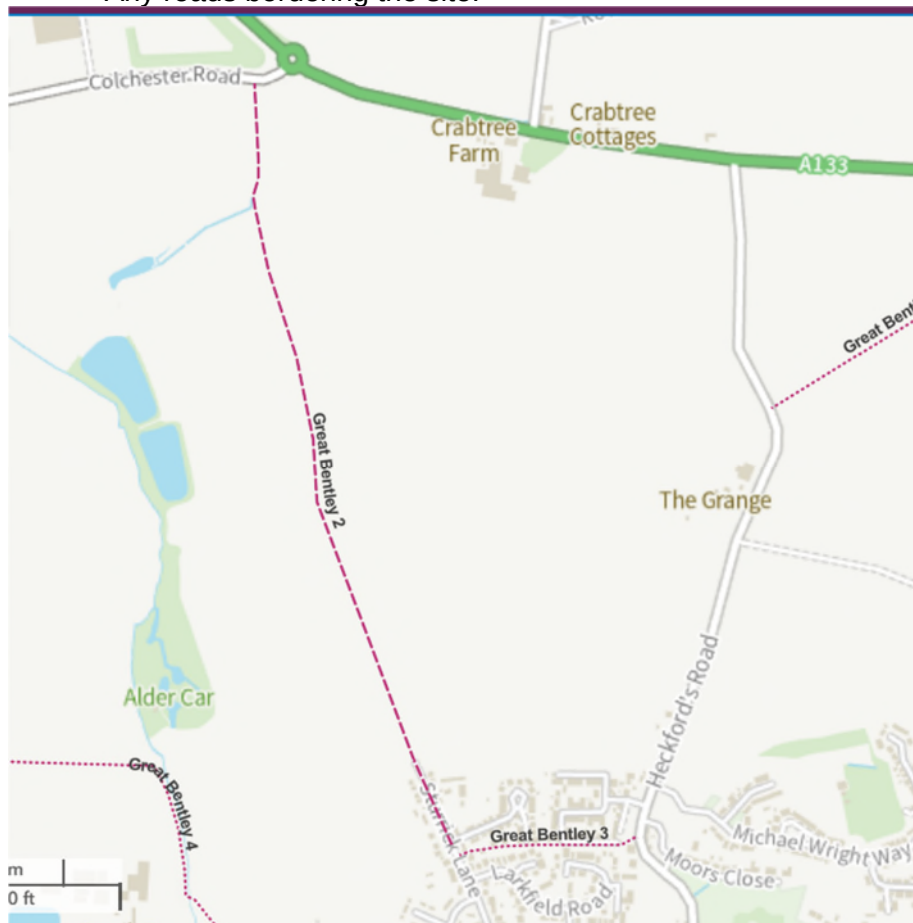
B1 Description and address

What it is (eg. pub, local shop) Great Bentley Footpath 2 – Bridleway
Name of premises (eg. Royal Oak / Littletown stores) Great Bentley Footpath 2
Address including postcode (if known) Footpath entered from Sturicks Lane or Colchester Road Great Bentley

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.



B3 Owners and others with an interest in the building or land

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		<i>Same as B1.</i>
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)		
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

B4 Why you think the building or land is of 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? If so, how?

During the recent mineral survey, we were overwhelmed by residents who contacted us regarding the possible loss of this for their use in the village. We had 151 responses all advising us how much they used this bridleway on a regular basis. With 132 of the respondents advising they use this regularly for their exercise and well being. I will attach the results of this survey for you.

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.)

As the village continues to grow with a 70% increase in housing alone in the last 10 years with more due to be completed, the access to the surrounding countryside is being slowly reduced, it is of utmost importance that this bridleway is protected for future use from any kind of development, be it for minerals or for further housing.

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

B5 How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

This is a small section of a much larger section of land – so it would be very difficult to purchase it for this purpose.

- **Section C: Submitting this nomination**

C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 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.

Signature JA Spear

C3 Where to send this form

You can submit this nomination:-

- **By post to: Kirstin Foley** Tendring District Council, Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE
- **By email to:** kfoley@tendringdc.gov.uk