



**Aylesbury Vale District Council**  
**Community nomination in respect of**  
**The Mount, Friarage Road, Aylesbury Buckinghamshire**

Notice under section 91 of the Localism Act 2011

**1. The Nomination**

On 7 October 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list The Mount, Friarage Road, Aylesbury, Buckinghamshire as an asset of community value. The nomination was made by Aylesbury Town Council following a resolution of the Council dated 10 April 2014. A copy of the nomination is attached at Appendix 1 and the plan showing the boundaries of the nominated land is attached at Appendix 2.

A summary of the nomination is set out below:

- (a) It is the secondary green open space in Aylesbury town centre.
- (b) Used by dog/walkers and town centre workers as an amenity area.
- (c) Contains two seating areas and a variety of interesting trees.
- (d) A copy of the registered title BM334356 indicates that the property is owned by Aylesbury Vale District Council.

**2. 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. A building or other land is of community value if in the Council's opinion 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 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.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can be made by 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 valid 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

**3. Decision and Reasons**

The Council accepts the nomination by Aylesbury Town Council and includes The Mount, Friarage Road, Aylesbury, Buckinghamshire in its list of assets of community value.

I hereby certify that this is  
a true copy of community  
document held by AYLESBURY  
VALE DISTRICT COUNCIL  
*S. Sparshott*  
(Signed)  
duly authorised on behalf of the  
Council

The reasons for this decision are as follows:

- (a) The land and structures comprising The Mount, Friarage Road, Aylesbury, Buckinghamshire lie within the administrative area of Aylesbury Vale District and within the town of Aylesbury.
- (b) Aylesbury Town Council are eligible under section 89(2) b) (i) to make a community nomination in respect of The Mount.
- (c) The community nomination made by Aylesbury Town Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012.
- (d) The land and structures do not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- (e) The Council considers that the current use of the land and structures as an amenity area is not an ancillary use; that this use furthers the social wellbeing and social interests of the local community and that the land and structures are of community value.
- (f) The Council also considers it is realistic to think that there can continue to be non-ancillary use of the land and structures which will further the social wellbeing and social interests (whether or not in the same way) of the local community.

#### **4. Next Steps**

The Mount, Friarage Road, Aylesbury, Buckinghamshire will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Aylesbury Town Council as the nominee body

#### **5. Consequences of Listing**

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Head of Legal and Estates Services at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section

95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. **A disposal of listed land which contravenes the requirements of the Act and Regulations will be ineffective.**

## 6. Right of Review

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to The Chief Executive, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

## 7. Right to Compensation

In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

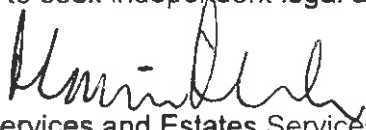
A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Director of Finance at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

## 8. Additional Help

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed



Head of Legal Services and Estates Services

Dated 18 November 2014.

**Section 1 ABOUT YOUR COMMUNITY ORGANISATION**

**Q1 Name and address of your organisation**

**Organisation name:** Aylesbury Town Council

**Address and postcode:** Town Hall  
5 Church Street  
Aylesbury  
Buckinghamshire, HP20 2QP

**Registration number**  
(if you are a charity, company, CIC or social enterprise)

**Q2 Please specify what type of organisation you are**

Category	Tick ✓
<b>Parish/Town Council</b>	✓
<b>Unconstituted / unincorporated Community Group</b> whose members include at least 21 individuals who appear on the electoral roll	
<b>Neighbourhood Forum</b> designated as pursuant to section 61F of the Town & Country Planning Act 1990	
<b>Industrial &amp; Provident Society</b> which does not distribute any surplus it makes to its members	
<b>Company Limited by Guarantee</b> which does not distribute any surplus it makes to its members	
<b>Community Interest Company</b> which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
<b>Charity</b>	

**Q3 Who should we contact to discuss this nomination?**

**Name:** Town Clerk

**Address and postcode:** As above

**Telephone number** 01296 425678

**Email address** keithgray@aylesburytowncouncil.gov.uk

## **Section 2 ABOUT THE PROPERTY TO BE NOMINATED**

### **Q4 Which asset do you wish to nominate?**

**Name of property:** Mount Park

**Address and postcode:** Green End  
Aylesbury  
Bucks

**Name of property owner:** Aylesbury Vale District Council

**Address and postcode:** The Gateway  
Gatehouse Road  
Aylesbury  
Bucks HP19 8FF

**Telephone number:** 01296 585858

**Email address (if known)**

**Current occupier's name (if different from property owner)**

**Details of occupier's interest in property**

## **Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET**

### **Q5 Why do you feel the property is an asset of community value?**

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance document.

**Note:** Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.

It is the secondary green open space in the Town Centre on the south western edge of the old town residential area. The topography naturally divides the area into three parts; the largest part sloping towards Friarage Road bordered by a busy footpath connecting Castle Street with Green End and Rickford's Hill. Northeast of the path is a large square area backing onto properties in Castle Street and at the north western end a smaller flat area, which is called Mingle John. Near this area bordering onto residential properties is a planted area for herbaceous plants. There are also numerous trees of various specimen, sizes and interests. It is used by walkers and dog walkers and includes two seating areas and is used as an amenity area, often in the summer by town centre workers.

Q5 Why do )  
Q6 What do ...

**Q5 Why do you feel the property is an asset of community value?**

**Q6 What do you consider to be the boundary of the property?**

Please give as much detail as you can and include a plan if possible.

Owned by Aylesbury Vale District Council which would have the site boundaries of the property through their Planning Department.

**Attachment checklist**

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

**Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

**Signed:** .....

**Print Name:** ... Keith Gray .....

**Position in Organisation:** ... Town Clerk .....

**Date:** .....

12/9/14

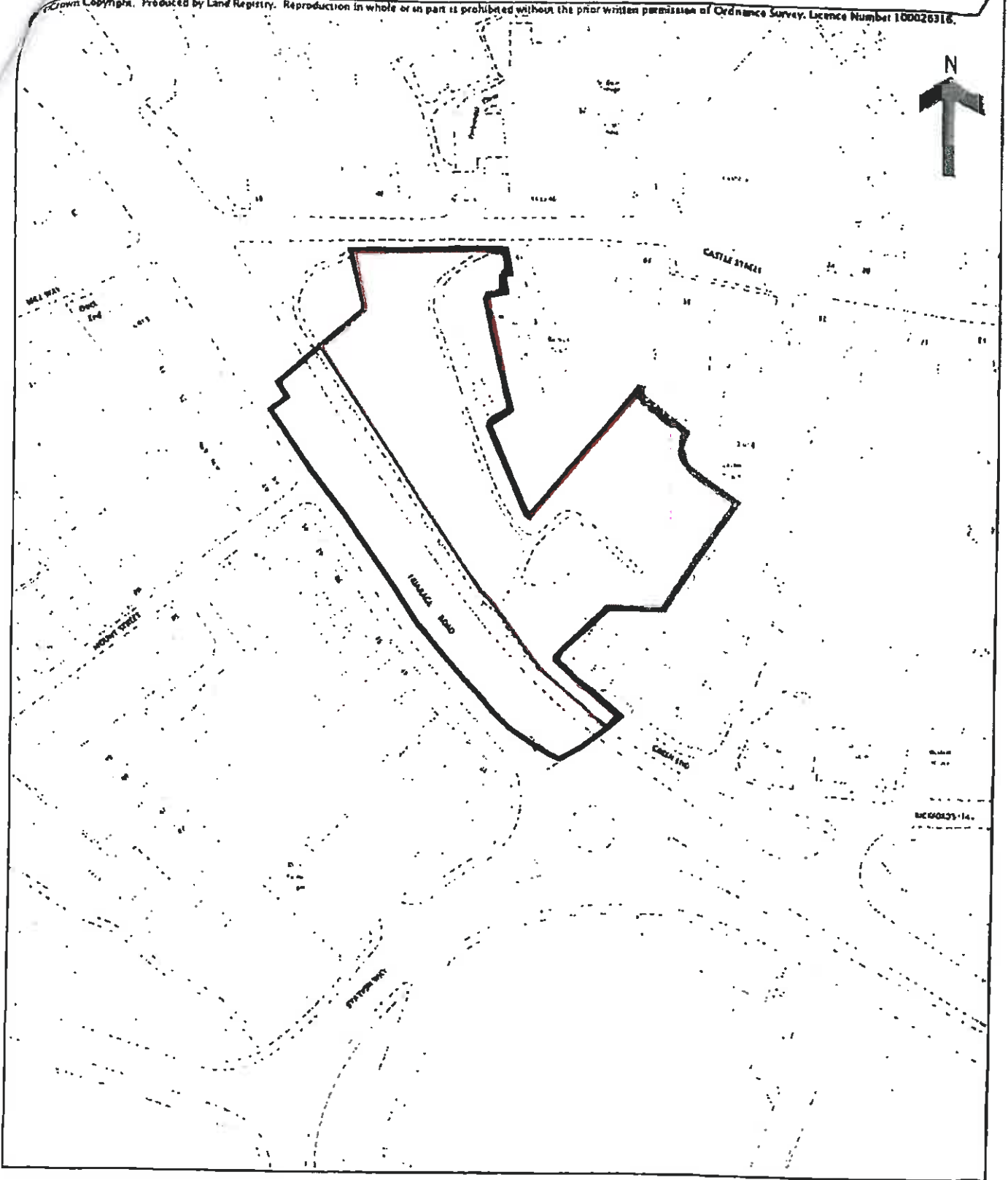
Appendix 2.

ent title plan

Ordnance Survey map reference SP8113NE  
Scale 1:1250  
Administrative area BUCKINGHAMSHIRE :  
AYLESBURY VALE



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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 01 October 2010 at 15:48:54. 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. See Land Registry Public Guide 7 - Title Plans.

This title is dealt with by Land Registry Leicester Office