

WARDS AFFECTED: Aspley

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Broxtowe Country Park, Westleigh Road

1 SUMMARY

Reference: 13/00773/ASCMVL

Nomination by: Nuthall Parish Council

Proposal: Request for Broxtowe Country Park to be included on the List of Assets of Community Value

2 RECOMMENDATION

That the nomination be **ACCEPTED**, and the property be placed on the Council's List of Assets of Community Value and placed on the Local Land Charge Register.

That the decision on any subsequent request for review of the decision by the owner of the site be delegated to the Director of Legal and Democratic Services.

3 BACKGROUND

- 3.1 A nomination has been submitted requesting that Broxtowe Country Park be listed as an Asset of Community Value. The nomination includes the full extent of the Broxtowe Country Park, which is a 42 hectare area of open land designated as part of the open space network, in the Nottingham Local Plan (2005). It is largely open grassland with large areas of woodland including Broxtowe Wood. Recreational/leisure facilities include play areas, football pitch, a multi use games area, BMX track and the Phoenix Adventure playground and associated building.
- 3.2 The nomination has been received from Nuthall Parish Council. Their nomination is based upon the country park acting as an important recreation and play spaces for residents of the Parish on the Horsendale and Assarts Farm residential estates, comprising in excess of 1,600 homes with footpath entrances from various points into the park.
- 3.4 In the event that this land were to be considered for a change in ownership or status, the Parish councils would wish to consider a Community Right to Bid due to their commitment to keep this area of open space in its existing well established format for the benefit of not only Nuthall residents and visitors those in the City too.

4 SUMMARY OF RESPONSES TO CONSULTATION

Owner: Parks and Open Spaces have raised no concerns and can support the application to register the site as an Asset of Community Value.

Ward Councillors: The Ward Councillors have been consulted on the proposed recommendation and have made no comment on the proposed nomination.

Other: Nottingham Civic Society have written in support of the nomination of

Broxtowe Country Park, as an open space for leisure use and wildlife conservation.

5 ASSESSMENT

5.1 Land and premises must be listed as an Asset of Community Value if:

- (i) A nomination is received from an eligible body; and
- (ii) In the council's opinion, an actual or recent former main use of the premises furthers (or furthered) the social wellbeing or social interests of the local community, and
- (iii) It is realistic to think that there can continue to be such a use (the future use need not be the same as the previous use).

'Social interests' includes cultural, recreational and sporting interests.

Criteria (i) - Eligibility to nominate

- 5.2 The nominee is a Parish Council of an adjoining parish and as such is an eligible body to nominate under Section 5 of the Regulations.
- 5.3 The legislation requires the nominators to set out their reasons for thinking it should be nominated. Officers are satisfied that the information supplied satisfies this basic requirement, and that the nomination is valid.

Criteria (ii) - Does the existing or recent former use further the social wellbeing or social interests of the local community?

- 5.4 Country parks, playgrounds and local parks are undoubtedly an important part of many local communities throughout the city, and may be considered to be of community value. The Country Park is currently used for sports and recreational uses by local communities which surround it. Parks provide an important meeting place, and operate for both informal and formal sport and other activities of importance to the local community. Guidance published by the Department of Communities and Local Government (CLG) suggest that local parks and playgrounds are likely to fulfil the definition.
- 5.5 Nuthall Parish Council detail in their submission that the Country park provides recreational space for walks and leisure activities for not only the residents of their neighbouring Parish but also the City's communities in Broxtowe, Aspley and Strelley. It has play centres and summer events organised by the City Council and recently benefited from major investment in the form of a BMX track, improved cycle routes and footpaths. The parks also acts as a safe access route between the Nuthall and city conurbations and helps to promote community integration and cohesion between them.
- 5.4 Broxtowe Country Park clearly makes an important contribution towards maintaining a healthy lifestyle, and means of exercise for its members and the local community but as importantly provides a vital social link for both the City's and Nuthall's residents

- 5.6 It is therefore considered that there is sufficient evidence to conclude that the use of the site as a Country Park would further the social well being or social interests of the local community.
- 5.7 It is therefore recommended that Broxtowe Country Park be listed as an Asset of Community Value.

Criteria (iii) – Is it realistic to think there can continue to be such a use?

- 5.8 As well as considering whether the current use of furthers the social well-being or social interests of the community, it is also necessary to consider whether it is realistic to expect that this use, or another use that also furthers the social wellbeing or interests of the community, could continue into the future as a use of community value.
- 5.9 CLG guidance suggests that for uses that are currently ongoing there should be a presumption that the present use can continue into the future, unless clear evidence suggests otherwise.
- 5.10 Broxtowe Country Park is an on going use and no evidence has been submitted to demonstrate that its use as a park could not continue into the future.
- 5.11 It is therefore considered that it would be realistic that the social use of the club for can continue in the near future.

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