

Notice under Section 91 of the Localism Act 2011

14th August 2024

Entry of **Combe Down Allotments site, Church Road, Combe Down BA2 7HR (Land Adjoining, Upper Lawn Quarry, St Winifreds Drive, Combe Down)** into Bath & North East Somerset Council's List of Assets of Community Value

1. Background

On **19th June 2024**, Bath & North East Somerset Council received a nomination under Section 89 of the Localism Act 2011 ("the Act") to list **Combe Down Allotments site**, as an Asset of Community Value.

The Unincorporated Friends of Combe Down Allotments made the nomination. A map setting out the boundaries of the asset nominated to be listed ("The Asset") has been provided.

Under Section 87 of the Act the Council must maintain a list of assets of community value.

Section 88 of the Act states that

(1) For the purposes of this Chapter but subject to regulations under subsection (3), 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.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(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.

Under Section 89 of the Act, the Council can only enter assets into the list of Assets of Community Value in response to community nomination.

2. Decision-Making Process

The Council's Cabinet on 10th October 2012 resolved to agree that:

2.1 Decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011 be delegated to the Director of People & Change (and, in the event of this Director having a conflict of interest, to a director nominated by the Corporate Director), drawing on the decision-making guidance as set out in Appendix One (of the report)

2.2 The Director of People & Change be delegated decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law.

2.3 The internal review process in relation to listing be undertaken by a director not involved in the initial decision.

2.4 The Executive Director - Sustainable Communities be delegated to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in Appendix Two (of the report).

This decision has been taken because:

(1)

a) The Asset lies within the administrative boundaries of **Bath & North East Somerset Council and Combe Down Ward**

b) **The Unincorporated Friends of Combe Down Allotments** is entitled under 89(2)b(iii) of the Act to make a community nomination in respect of the Asset. **21 names and addresses were provided and were all present when checked against the Bath and North East Somerset Council electoral register.**

c) The nomination from **The Unincorporated Friends of Combe Down Allotments** includes the matters required under Regulation 6 of the Regulations

(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations

and

(2) In the opinion of the Authority,

(a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community.

(b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, and considering also that there are examples of similar and comparable assets serving these interests, it is realistic to

think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The detailed assessment on which this decision is based, following the criteria adopted by the Council Cabinet on 10th October 2012, and fully considering information supplied by the nominee and other parties (including the owner), is set out in 4 below.

3. What Happens Next

The Asset will now be placed on the list of Assets of Community Value which the Council is required to maintain under Section 87 of the Act.

In accordance with Section 91 of the Localism Act the Council will send this notice to:

The owners and the occupiers of the property

and

The Unincorporated Friends of Combe Down Allotments

The information will also be published on the Council's website. The Asset will remain on the Council's List of Assets of Community Value for a period of five years from the date of this notice unless removed with effect from some earlier time in accordance with the provisions of the regulations.

The Localism Act 2011 requires that the Council draw particular attention to the following:

- (a) the consequences for the land and its owner of the land's inclusion in the list, and
- (b) the right to ask for review

The consequences for the land and its owner of the land's inclusion in the list

Inclusion of assets on the List of Assets of Community Value 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 (at the following address: Executive Director - Sustainable Communities, Lewis House, Manvers Street, Bath BA1 1JG) if they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the document Community Right to Bid: Non-statutory advice note for local authorities. Annex A also identifies circumstances where,

although there is no requirement in the legislation that the owner has to explain to the local authority that the disposal is exempt, it would be helpful for them to do so.

A moratorium period is triggered by notification under Section 95 to allow a Community Interest Group to submit a written request to be treated as a potential bidder for the asset. The owner is 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 asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

The owner of the asset does not have to sell the asset to the Community Interest Group. There is also a 'protected period' (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The right to ask for review.

Asset owners have the opportunity to request a review of the decision to enter an asset on the List of Assets of Community Value, within 8 weeks of listing. The internal review process in relation to listing will be undertaken by a director not involved in the initial decision.

Landowners wishing to request a review of the decision should do so in writing to the above address or to assets@bathnes.gov.uk by **9th October 2024**, setting out the grounds for review and whether they are requesting an oral hearing.

Private owners may claim compensation for loss and expense incurred through the asset being listed including a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period. Regulation 14 of the Regulations contains more detail on this.

Part 5, Chapter 3 of the Localism Act 2011, and the Assets of Community Value (England) Regulations provide further detailed information.

4. Detailed Assessment of the Nomination of The Combe Down Allotments Site Bath, as an Asset of Community Value

Assets of Community Value Nomination – Assessment

DATE OF SUBMISSION:

19th June 2024

DATE DECISION TO BE MADE BY:

14th August 2024

NOMINATED ASSET:

Combe Down Allotments site, Church Road, Combe Down BA2 7HR

The boundary of the asset is set out in the boundary map is included.

NOMINATION SUBMITTED BY:

The Unincorporated Friends of Combe Down Allotments

STEP A: This section considers the eligibility of the nominating body to make a nomination and of the asset to be an Asset of Community Value. It does this through a series of YES/NO ANSWERS

A1. Is the nominating organisation an eligible body to nominate?

Evidence supplied by nominee:

The Unincorporated Friends of Combe Down Allotments is a valid body in accordance with Regulation 5(1)(c) of the Regulations and complies with section 89(2)(b)(iii) of the Act.

Details of the constitution for The Unincorporated Friends of Combe Down Allotments has been provided and clearly sets out all the necessary information.

Feedback from other parties and other information gained in relation to this criterion:

None

Score (YES/NO) and any comments:

YES - The Council is satisfied that the nominating body is an eligible body to nominate.

A2. Does the nominating body have a local connection to the asset nominated?

Evidence supplied by nominee:

In accordance with Regulation 4 of the Assets of Community Value (England) Regulations 2012:

The nominating body's activities are wholly concerned with the Bath & North East Somerset area (specifically the nominated asset)

“The Unincorporated Friends of Combe Down Allotments is made up of 29 members most living in Combe Down and all within Bath & North East Somerset. Seventeen are plot holders in the Combe Down Allotments and 12 are people who live locally and value the allotments as an important part of the Combe Down community although they themselves do not have an allotment. Its activities are wholly concerned with retaining the land as allotments. The land is within the B&NES area and all members live locally.

The allotments have connections with Combe Down Primary School, The Peggy Dodd Centre, and Three Ways School all of which are within postcode area BA2 5. Plot holders all live close to the allotments as B&NES policy is for people to apply for an allotment at the two closest sites to where they live.”

The submitted map shows that the Asset is sited wholly within the boundaries of Bath and North East Somerset.

Feedback from other parties and other information gained in relation to this criterion.

None

Score (YES/NO) and any comments:

YES- The Council is satisfied that the nominating organisation has a local connection to the nominated asset.

A3. Does the nomination include the required information about the asset?

- Description of the nominated land including its proposed boundaries
- Names of current occupants of the land
- Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land.

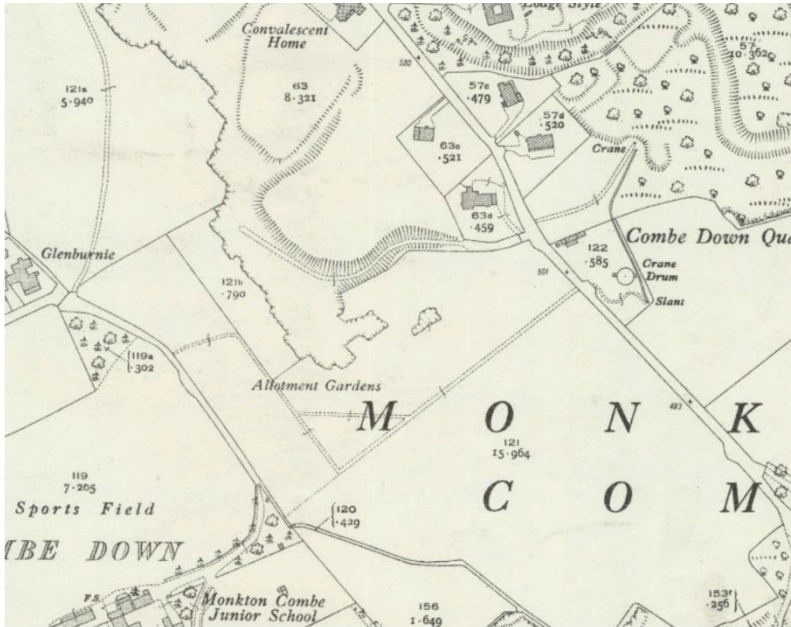
Evidence supplied by nominee:

A plan of the nominated land including proposed boundaries.

The name and address of the current owners and occupants (leaseholders) of the nominated asset have been provided.

“B&NES Council leases the site from the landowner and manages it. The B&NES Allotments Department, B&NES Neighbourhood Services currently rents 64 plots to local people, the plot holders. They are allocated in turn to people who are on the waiting list.”

“The Land has been in use as allotments since 1894 and is shown on the 1921 OS map below. The quarry workings have encroached on the site so that the current site leased for allotments is smaller than the original site.”



1921 OS Map showing the allotments across to what is now Shaft Road



Feedback from other parties and other information gained in relation to this criterion:

None

Score (YES/NO) and any comments:

YES- the Council is satisfied that the nomination has included the required information about the asset.

A4. Is the nominated asset outside of one of the categories that cannot be assets of community value (as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012):

- A residence together with land connected with that residence.
- Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960.
- Operational land as defined in section 263 of the Town and Country Planning Act 1990.

Evidence supplied by nominee:

Nomination and supporting evidence sufficiently demonstrates that the asset is outside of the categories of assets within Schedule 1 of the Regulations

Feedback from other parties and other information gained in relation to this criterion:

None

Score (YES/NO) and any comments.

YES- the Council is satisfied that the nomination is outside of one of the categories that cannot be assets of community value.

If YES to all of Part A, move on to Step B. If NO to one or more parts, please inform the nominator that the nomination is ineligible. Place nomination on list of unsuccessful nominations.

STEP B: This section considers the current or recent usage of the asset. It does this through a YES/NO answer and an identification as to whether the use is current or in the “recent past.”

B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?

NOTE 1: A working definition of “recent past” is “within the past three years”.

NOTE 2: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional, or complementary use.

Evidence supplied by nominee:

“The current use of the land is for allotment gardening. It’s use is completely non-ancillary, and it has been used as allotments for 130 years. They were established in 1894 for the quarry workers who lived in the village for them to grow food to feed their families and they have continued in the same use by the local community ever since. There are 64 plot holders who use the allotments to grow vegetables, fruit, and flowers with their family and friends. Many members of the local community take walks around the allotments for exercise and enjoy interacting with those working on their plots and seeing the wildlife. All the benefits to physical and mental wellbeing of this beautiful tranquil place are close to the village and easily accessible. Children from Combe Down Primary school make visits to the allotments and use these as a learning topic. Clients from the Peggy Dodd Centre, a day centre supporting those with memory loss and their carers, will be visiting the allotments during then warmer months. Surplus crops are distributed by Crop Drop to Three Ways School and the Bath Area Play project.”

Feedback from other parties and other information gained in relation to this criterion:

None

Score (YES/NO) and any comments.

YES- the current usage which is the subject of the nomination is an actual and non-ancillary usage.

If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to Step C. If not, place on the list of unsuccessful nominations.

STEP C: This section considers whether the use furthers (for current uses) or furthered (for uses in the recent past) the social interests or social wellbeing of the local community. It does this through a series of questions scored on the basis of evidence.

C1. Who benefits from the use?

- Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?
- Who will lose if the usage ceases?

Evidence supplied by nominee:

Extensive evidence has been provided for this application; all of the information provided has been used for the purpose of taking the decision on this application. Details that were provided by the nominee are summarised below.

Number of users

“There are 64 plots all of which are all in use and five are shared so there are 69 people and their friends and families cultivating the plots. There is a waiting list for an allotment of 600 people in Bath, 58 of whom live in the Combe Down area”.

Testimonials of service provided /outcomes.

“Many people have provided a supporting testimony of the value of Combe Down Allotments to the community. Some have written or emailed their comments, including pupils at Combe Down Primary School, others made comments when they signed the online Change Petition. Others commented or posted on Facebook and Instagram.

At the time of this application being submitted there were almost 5000 online signatories and over 1,000 signatories to the paper petition.

The testimonies show a broad number of supporting organisations. There are a number of personal examples that span through the local history of the allotments and have brought pleasure to residents right across the age spectrum.”

Accessibility of asset

“The allotments are a safe level walk on the edge of the village providing informal exercise and social interaction for the community as a whole including those less mobile and parents with small children.”

Equalities impact (identifying the impact it will have on different groups in the local community)

“The allotments holders are from the whole range of residents of this very varied local community, including Combe Down village, Foxhill and the new and still expanding Mulberry Park estate as well as those from other areas of Bath who do not have access locally to allotments. It provides a vital outdoor growing space for those with none of their own. The Foxhill North index of Multiple deprivation (IMD) puts it in in 20% most deprived areas in UK. It is 1mile from the allotment site. Although the Foxhill allotments closer there are only 10 plots there and there is a waiting list of 3 1/2 years, so the Combe Down Allotments are often a better option for residents”.

Involvement of local community in running/managing

“The Combe Down site representative and other plot holders work with Bath Allotments Association and the Friends of Combe Down Allotments. This organisation has 29 members including 12 members who are not plot holders but live locally and want to protect the allotments”.

Positive impacts on health and Wellbeing

“Those who have allotments have huge benefit to their physical health, mental wellbeing and providing purposeful activity in safe, tranquil surroundings. They promote a healthy lifestyle and produce healthy food to share with friends and neighbours as well as the wider community. Gardening and growing contributes to healthy aging, improving muscle strength, flexibility and balance. The allotments help in recovering strength after illness. Social isolation and loneliness is reduced by the social interaction and sharing of stories as well as seeds, plants, experience, and crops.”

Local natural environment and wildlife

“The Combe Down allotments are a vital part of the local ecosystem, an island of rich biodiversity. They have a major positive impact on local natural environment and wildlife.”

Cultural, sporting, or recreational activities

**“As an artist I have taken many photos of the allotments since moving here in 2001 and visit friends who have an allotment and gain lots of inspiration from all I see there. There is a peace and sense of calm there. So many who use the land and those of us who love it are crying out for a solution. I am so aghast that this is happening at all. Community and the joy of it has been greatly diminished but the allotment is an absolute key for all of us who live here. I will sort out some of my art inspired by this wonderful space. I support those who are the cutting edge of losing their wonderfully enhanced way of life.”
(Instagram)**

“We always love walking past the allotments on our regular walk from Bear Flat to Monkton Combe via Mount Pleasant. Been doing it for decades. We meet and chat to many allotment holders and passers-by who stop to ask questions and admire the allotments. They bring so much joy to so many and are an important green space for the area, especially for those who aren't able to walk far from their homes.” (Instagram)

Outcomes

“The consequences for the local community if the land were no longer used for allotments.

Local people would lose the opportunity to apply for an allotment within walking/cycling distance of their homes. There are 64 plots, 5 of them shared. There is a waiting list of 5 years and all those waiting would see their hopes of having an allotment disappear.

The people living in and around Combe Down would lose this accessible, safe space where they can walk, enjoy the open space, watch vegetables and

flowers growing every year and have some social interaction. All these opportunities hugely valuable to physical and mental wellbeing would be lost.

The allotments are truly inclusive, with rents made affordable for all. The social cohesion engendered by the allotments bringing people from all parts of this varied community together to grow and share their produce with friends and neighbours would be affected.

The Allotments are a major contributor to Crop Drop and their loss would severely affect the children and young people at Three Ways School and the Bath Area Play Project.

The children from Combe Down Primary school would no longer be able to visit the allotments to learn and experience the growing of their food in a sustainable way, watch the bees and other pollinators and see people working together purposefully.

Parents of younger children would not be able walk with them to see the allotments and enjoy this safe, productive open space. It is quite a different and more enriching experience from a park or play area.

Clients from the Peggy Dodd Centre would lose the experience of reconnecting with gardening and growing food which had been part of their life.

Social therapeutic horticulture (STH) can bring profound positive change in mental health, social connectedness and physical health as well as helping equip young people with life and employment skills. It is an important strand of the increasing requirement for green prescribing. The allotments have potential to offer this at the heart of the community. Their loss would have a severe impact on the future ability of local health services to offer this service as demand increases.

The allotments are part of the social history of this village created for the quarry workers and their families 130 years ago. They contribute to the sense of place and history just as much as the many listed buildings dating from that time. Their loss would leave a significant gap in the living history of the area. Living in a community with a sense of its past helps to develop social cohesion and mental wellbeing.

The allotments are a precious reservoir of biodiversity close to the local community. Those living and growing in the surrounding area would have fewer pollinators for their gardens and vegetable patches and fewer predators of pests. The areas of woodland and pasture and crops in the fields would lose a source of pollinators and seed dispersal. They might lose the opportunity to see Greater and Lesser horseshoe bats in and around the village.

Those who have plots would lose the way of life which contributes to their physical and mental health and combats the physical and social impact of

aging. They would lose the ability to produce food and share with their friends, neighbours, and others.”

Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)

None

Enter score out of 25 and rationale.

20/25

The information that has been provided demonstrates the broader impact that the asset provides beyond just the users from Combe Down. This resource is available to residents and organisations across Bath.

Evidence of the need both now and in the future has been provided through the details of the waiting list.

Schools and community groups are using the site as a learning facility and a place that provides health benefits.

The panel would have scored the application at 25, however we scored 20 as no evidence was provided regarding access for people with greater physical disabilities.

C2. Is any aspect of the usage actively discouraged by the Council’s Policy and Budget Framework?

Evidence supplied by nominee:

There is no evidence that the usage is actively discouraged by the Council’s Policy and Budget framework, and it is not contrary to existing planning policies.

Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council):

None

Enter score out of 25 and rationale.

25/25 - No active discouragement by the Council’s Policy and Budget Framework has been identified.

C3. Why is the usage seen as having social value in the context of the community on whose behalf the nomination is being made?

Evidence supplied by nominee:

Extensive evidence has been provided for this application; all of the information provided has been used for the purpose of taking the decision on this application. Details that were provided by the nominee are summarised below.

Evidence to show why the nominated land is seen as having social value for the local community includes:

Local Community pride

“The allotments in Combe Down are unique and precious to the local community they have been serving continuously for over 130 years. Many

people who live in and around Combe Down have done so for decades, some for generations. The community with its church, chapel, primary school, GP surgery, pubs, clubs an annual art trail means that people feel connected to the place and each other and a sense of pride in their thriving community.

The allotments are very much a part of that sense of place. There is a pleasing familiarity in people walking through the village to and from the allotments. with produce, trays of seedlings, tools and wheelbarrows. Many in the community have had an allotment themselves in the past or have a history of previous generations having one.

The first allotments in Combe Down were established in 1852 to provide workers doing dangerous and poorly paid work in the stone quarries in Combe Down a space to grow food for their families The Church Road allotments were set up in 1894 close to the centre of the village and have been in continuous use ever since. In the First and Second World Wars they contributed of the Dig for Victory campaigns.”

Social cohesion

“Combe Down Allotments are a place where people from all walks of life come together with a shared purpose and enjoyment of producing food, whether they have lived in the area all their lives or have moved from other parts of the UK and further afield bringing new traditions and expertise.”

Sustainable Living

“The sustainable practices used by many plot holders are beneficial to the local environment reducing pollution, saving rainwater, minimal use of pesticides and using recycled materials. Because the allotments are so close to the local community this can influence others to take up some of the practices in the community.”

Areas of Need

“The allotments play a part in addressing areas of need within the local community by contributing produce to Three Ways School and the Bath Area Play Project through Crop Drop.

The children at Combe Down Primary school are visiting the allotments to see food being grown and as a basis for learning topics across the curriculum.

Groups From the Peggy Dodd Centre are coming to the allotments over the summer.

As well as this the allotments play a part in addressing problems with loneliness, aging, physical and mental health for the local community whether or not they have an allotment as a safe, familiar area close to where they live where people can come and take exercise and have some social interaction.

There is potential for partnership with NHS services green social prescribing in the future.”

Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)

“I write in support, in my capacity as the Ward councillor for Combe Down, of assigning the above as an asset of community value.

Come Down allotments have a historic value, they were created purposefully to encourage local stone miners to grow their own food, be socially engaged and have good health. A good healthy workforce was also a productive one.

Moving forward to 2024, the reasons for why the allotments were set up still apply. They provide anyone who lives locally with the opportunity to grow food in a shared activity with others of all ages and life experience with benefits to the mental and physical wellbeing of themselves and their families and friends. This brings together people from all parts of the community.

The Combe Down village is a village community, and residents value the allotments as visually attractive and full of interest throughout the changing seasons. Both the local people who have allotments and those residents who are unable to get an allotment use the site for recreation, enjoying walks and friendly social interaction with those working on their plots. It is a peaceful place to enjoy wildlife. The beauty of the site, its sense of history and it’s safely, close to the heart of the village makes it particularly precious.

The allotments, due to their proximity to Combe Down Primary School showcase where our food comes from and the importance of eating well. The pupils get a hands-on experience of how to plant and care for the crops. The Peggy Dodd Centre (complex elderly care) is also located close to the allotments, and they use them and value them a lot.

It is now, finally, being recognized that social prescribing of activities such as outdoor activity, walks and social engagement deliver health benefits. It would be a shame to lose the allotments precisely when they could become a

valuable resource for our village with many patients of the local GP surgery living within walking distance of the allotments.

The allotments are of significant value to the local community, benefiting social, physical, and mental wellbeing and fostering social cohesion.

Whilst all of the above may appear “soft concerns and issues”, in my capacity as a senior Public Health Doctor, I must emphasize that the sum of all of the above is of immense benefit to the local community and its loss is forever loss, never to be replaced and years later we will wonder why the allotments were not preserved, forever.

Thank you for considering my submission.”

Cllr. Professor Bharat Pankhania - 25th July 2024

Statement in support of nomination of Combe Down Allotments as and Asset of Community value

“I whole heartedly support the application to designate the Combe Down allotment site as a community asset. This valuable green space is a vital hub for residents, fostering community spirit, promoting well-being, and encouraging sustainable living. The allotments offer a unique venue for people of all ages to engage in gardening, learn new skills, and build strong social connections. Preserving this site ensures that future generations will continue to benefit from its many positive impacts. As a local ward councillor, I am committed to advocating for this initiative and urging others to recognise the importance of protecting our cherished community spaces.”

Cllr Onkar Saini, Liberal Democrat Councillor for Combe Down

Bath and North East Somerset Council

Enter score out of 25 and rationale.

25/25

Evidence that has been provided is really strong. This is obviously a well-established and valued asset for the community.

C4. How strongly does the local community feel about the usage as furthering their social interests?

Evidence provided by nominee.

“Extensive evidence has been provided for this application; all of the information provided has been used for the purpose of taking the decision on this application. Details that were provided by the nominee are summarised below.

The local community feels very strongly that the allotments further their social interests and have demonstrated this by writing letters of support, signing our petition, and attending the two public meetings we have held. They have shown a lot of support for our plans to make this application.

The Friends of Combe Down Allotments, set up as an unincorporated body to nominate the allotments as an ACV, has 29 members, 12 of whom are not plot holders but live locally and feel strongly that they should be preserved”.

Petitions Organised by Bath and North East Somerset Allotment Association

The petition aim – “We urge the landowner to reconsider his decision and to renew the Council’s lease of the site for long term allotment use. Should the landowner decline to renew the lease, we urge the Council to use all its powers and available resources to secure the long-term future of the site for allotments managed by the Council or a community group. We urge the Council to use all its powers to protect this historic allotment site from a change to another use.”

Paper petition

“We have collected 1067 signatures on the paper petition. These were collected within the Combe Down area in the streets, on doorsteps and outside shops and a garden centre.”

“Online form of the same petition on Change.org - An online petition was launched in December 2023 <https://www.change.org/p/save-combe-down-allotments>

The number of signatories to this now stands at over 5000 - Save Combe Down Allotments Petition Summary - Number of signatures Online Petition 5011

1643 of these were from a BA1 or BA2 postcodes (by 18/02/24)

Paper Petition 1,067

Less duplicates or non-complete post code - 61

Total to date 6017 signatories

Many people did not just sign the online petition but felt so strongly they gave their reasons for signing.”

Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council)

Bharat Pankhania and Onkar Saini ward councillors for Combe Down wrote a very supportive article in the Jan/Feb 2024 Edition of 'Focus' about Combe Down Allotments and urging people to sign the petition to save the allotments.

Dr Pankhania said, "I feel heartbroken that the allotments may not be here forever, we are going to do all we can to try and secure the allotments, please join us in signing the petition too, we need all the support we can gather."

<https://www.facebook.com/CombeDownAllotments> 21/02/24

MP Wera Hobhouse met the Bath Allotments Association in late December 2023 and told them that she would be supporting the campaign to save Combe Down's beautiful allotment site. She visited the allotments, together with Ward Councillor Onkar Saini, on 14/02/24 to meet a large group of local people and plot holders. She said she learned a lot during a powerful discussion and hoped to engage positively with all stakeholders as soon as possible.

<https://www.facebook.com/CombeDownAllotments> 15/02/24

Enter score out of 25 and rationale.

25/25

From the evidence that has been provided, there is significant support for this asset to be retained for community use.

Total score:

95/100

If STEP C meets a minimum scoring of 55%, go to Step D

STEP D: This section considers whether 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.

For assets such as this where the actual non-ancillary usage is a current one (see Step B above), 88(1) (b) of the Localism Act requires the Council to consider whether in the opinion of the local authority it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community.

D1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?

Evidence supplied by nominee:

“The allotments have been in continuous use on this site for 130 years. The land continues to be fit for purpose. It provides excellent growing conditions; the soil having been cultivated and improved over many years. It remains an important part of community life. It is close to the community it serves and so by most of the plot holders can walk or cycle there and is provides a very safe and accessible place for many others to benefit from the improvement in wellbeing, physical and mental health the allotments bring. It is increasingly important as a wildlife habitat, improving biodiversity in the area and there are the many examples of sustainable living which can be taken up by the local community.

There is, locally and nationally, an increasing demand for allotments. In B&NES there are 600 people on the waiting list for an allotment and 58 of these are waiting for a plot in Combe Down.

BANES Green Space Strategy - In the proposed standards for open space. Allotments 0.3 ha/1000 population within 960 metres or 20 minutes' walk time Population of Combe Down 5,419. The council has been unable to find further sites for allotments close to Combe Down.

In 2016 the Mulberry Park Development provided the Council with £130,815.50 for provision of new allotment plots for the residents and this has not yet been spent. There is a deadline of May 2026 for this to be spent before it is returned to then developer”.

None

Feedback from other parties and other information gained in relation to this criterion:

None

Score (YES/NO) and rationale.

NO- the asset is considered to be fit for purpose.

If No to D1, place on register of Assets of Community Value, and do not go to D2. If yes to D1, go to D2.

D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?

Evidence supplied by nominee:

Not applicable

Feedback from other parties and other information gained in relation to this criteria.

Not applicable

Score (YES/NO) and Rationale:

Not scored as NO answer to D1 above

If yes to D2, place on register of Assets of Community Value. If no to D2, place on list of unsuccessful nominations.

RECOMMENDATION:

THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE REGISTER

REASON FOR DECISION

(1)

a) The Asset lies within the administrative boundaries of Bath & North East Somerset and **Combe Down Ward**.

b) **The Unincorporated Friends of Combe Down Allotments** is entitled under 89(2)b(iii) of the Act to make a community nomination in respect of the Asset

c) The nomination from **The Unincorporated Friends of Combe Down Allotments** includes the matters required under regulation 6 of the Regulations

(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations

And

(2) in the opinion of the authority,

(a) The current and recent use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community

(b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community and considering that there are examples of

similar and comparable assets serving these uses, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Decision Taken by



Cherry Bennett
Director of People & Policy
Bath & North East Somerset Council

Date

14th August 2024

Asset Location Map

