



Community nomination in respect of

Rugby/Football Recreation Ground, Doxey Road, Stafford ST16 1EF

Notice under section 91 of the Localism Act 2011

1 Nomination

On 6th October 2023 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list **Rugby/Football Recreation Ground, Doxey Road, Stafford ST16 1EF** as an asset of community value. The nomination was made by **Doxey Parish Council**. A copy of the nomination is attached at **Appendix 1** and a plan showing the boundaries of the nominated land is attached at **Appendix 2**.

2 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 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 only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a 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 **Doxey Parish Council** to include the **Football/Rugby Recreation Ground at Doxey Road** in its list of assets of community value.

The reasons for this decision are as follows:

1. The Recreation Ground lies within the Borough of Stafford. An aerial photograph of the land shows a maintained grassed area having the size and appearance of a single rugby/football playing surface.
2. Doxey Parish Council is a body eligible to make the application under section 89 of the Act.
3. The land does not appear to fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations.
4. In order for a listing to be successful, a nomination must show that the land is of community value. This can be achieved by showing evidence of an actual, non-ancillary, use of the land that furthers the social wellbeing or social interests of the local community, currently, or that furthered such interests in the recent past.
5. The nomination explains that the land has been used as a playing pitch by various local community teams since its creation in 1952. It was used by AFC Doxey between 2011-2017, and more recently used by St Leonards Rugby Club from 2018 “up until covid” (which commenced in 2020).
6. I can see no evidence to suggest that the land is currently being used for any other purpose, nor that its previous use by local sports teams was ancillary to any wider use by the landowner.
7. Use of land by local sports teams would appear to further the sporting interests of the local community and I therefore accept that there is a time in the recent past when the use of the land furthered the social interests of the local community.
8. The nomination states that there is ongoing interest from two local sports teams to lease the land for use as their “home pitch” long term. In the absence of any evidence to the contrary, it is therefore realistic to think that there is a time in the next five years when there could be further community use of the land.
9. For the reasons set out above, the current nomination of this land is successful, and the land will be listed on the register of community assets.

4 Next Steps

Rugby/Football Recreation Ground, Doxey Road 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) Doxey Parish 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 Law and Governance, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ 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 the 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 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, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

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 Head of Law and Governance, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

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: 
Dated: 30th October 2023
Head of Law and Governance