

Nomination by Catherine Street West Residents' Association

Land at Catherine Street West (CA 11)

A. Documents

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|-----|--|-------------|
| 1. | Nomination of Catherine Street West Residents' Association | A 1 - A 4 |
| 2. | Plan of Nominated Land | A 5 |
| 3. | Letter dated 26 May 2017 from Legal Services to Secretary of Residents' Association | A 6 - A 8 |
| 4. | Email dated 3 July 2017 from Legal Services to Secretary of Residents' Association | A 9 |
| 5. | Constitution of Catherine Street West Residents' Association | A 10 - A 13 |
| 6. | Minutes of Meeting of the Members of the Catherine Street West Residents' Association on 7 June 2017 | A 14 - A 15 |
| 7. | Notification of Nomination Letter to Mr Stagg | A 16 - A 18 |
| 8. | Notification of Nomination Letter to Mrs Stagg | A 19 - A 21 |
| 9. | Letter Dated 18 July 2017 from Mr and Mrs Stagg | A 22 - A 24 |
| 10. | Email Correspondence between Legal Services and Mr Stagg | A 25 - A 27 |
| 11. | Notification of NominationEmail to Ward Councillors | A 28 - A 29 |

A. Documents

page scan to me

21

Voluntary or Community Body Details	
Name of Organisation (full name as written in your constitution or rules, if appropriate):	CATHERINE STREET WEST. RESIDENTS ASSOCIATION.
Address including postcode:	DENTON MANCHESTER
Registered or trading name and address if different from above	
Contact Name:	
Position in Organisation:	SECRETARY.
Correspondence address if different from above	
Daytime telephone number:	
Email address:	
Web address (if applicable)	
Is your organisation a (Tick all that apply):	<input type="checkbox"/> Parish Council; <input checked="" type="checkbox"/> Unincorporated Body; <input type="checkbox"/> Charity; <input type="checkbox"/> Social Enterprise (company limited by guarantee that doesn't distribute any surplus it makes to its members); <input type="checkbox"/> Industrial or Provident Society which does not distribute any surplus it makes to its members; <input type="checkbox"/> Community Interest Company.
Company registration number, registered charities number, or Financial Services Authority registration number (list all that apply).	

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Community Nomination - Asset Detail

Asset Address including postcode (if known):	LAND ADJACENT TO CATHERINE STREET WEST / OLDHAM ROAD.
What is the asset (e.g. public house, local shop)?	COMMUNITY GREEN SPACE WITH TREES AND WILDLIFE
Asset Owners – include the names and contact details of the current occupants of the land, and the names and current/last-known addresses of all those holding a freehold or leasehold interest in the land:	ZULFIQAR AHMED KHAN 13, ACREFIELD AVE STOCKPORT SK4 4BB
Asset / Land Use – Please can you provide details of the use of land over the past 5 years	COMMUNAL RECREATION AREA, CHILDREN'S PLAY AREA. WILDLIFE HABITAT.

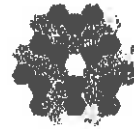
Evidence: Asset of Community Value

<p>The Localism Act 2011 defines an asset or land of community value if: its actual or current use (or its use in the recent past) furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.</p>	
Confirm why you feel that the aforementioned asset is an asset of community value?	THE COMMUNITY USE IT AS A SOCIAL RECREATION AREA AND CHILDREN'S PLAYGROUND WITH MATURE TREES PLANTED BY THE RESIDENTS THAT HELP FILTER POLLUTION FROM THE MOTORWAY. DUCKS RETURN TO RAISE THEIR YOUNG ON IT.
Can you provide evidence of this?	YES

Name of person authorised to sign on behalf of the organisation:	
Position/status in the organisation:	SECRETARY
Date:	19/4/2017
Signature:	

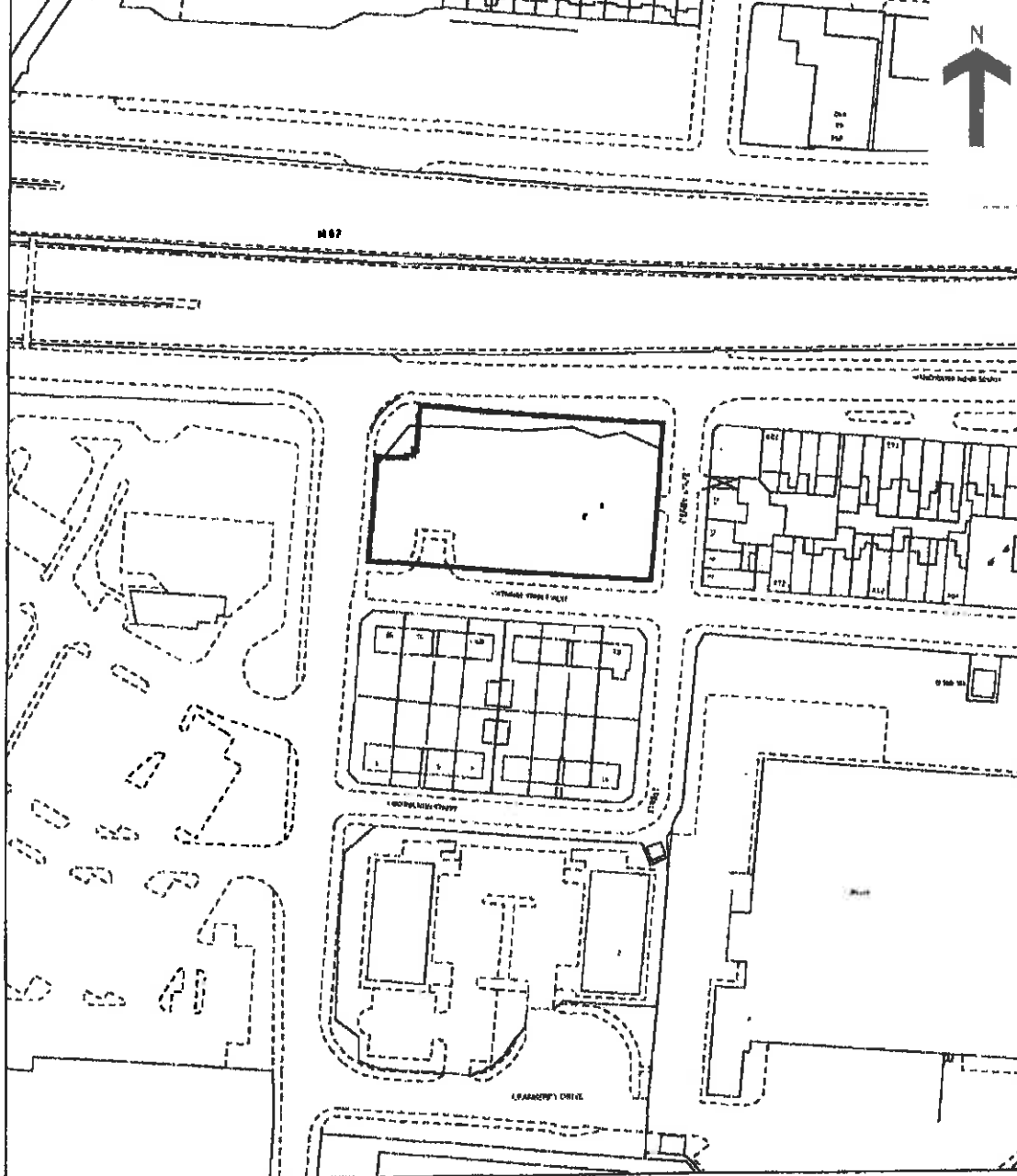
Land Registry
Current title plan

Title number **MAN32149**
Ordnance Survey map reference **SJ9195SE**
Scale **1:1250**
Administrative area **Greater Manchester :**
Tameside



A 4

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This is a copy of the title plan on 1 MAR 2017 at 10:22:33. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

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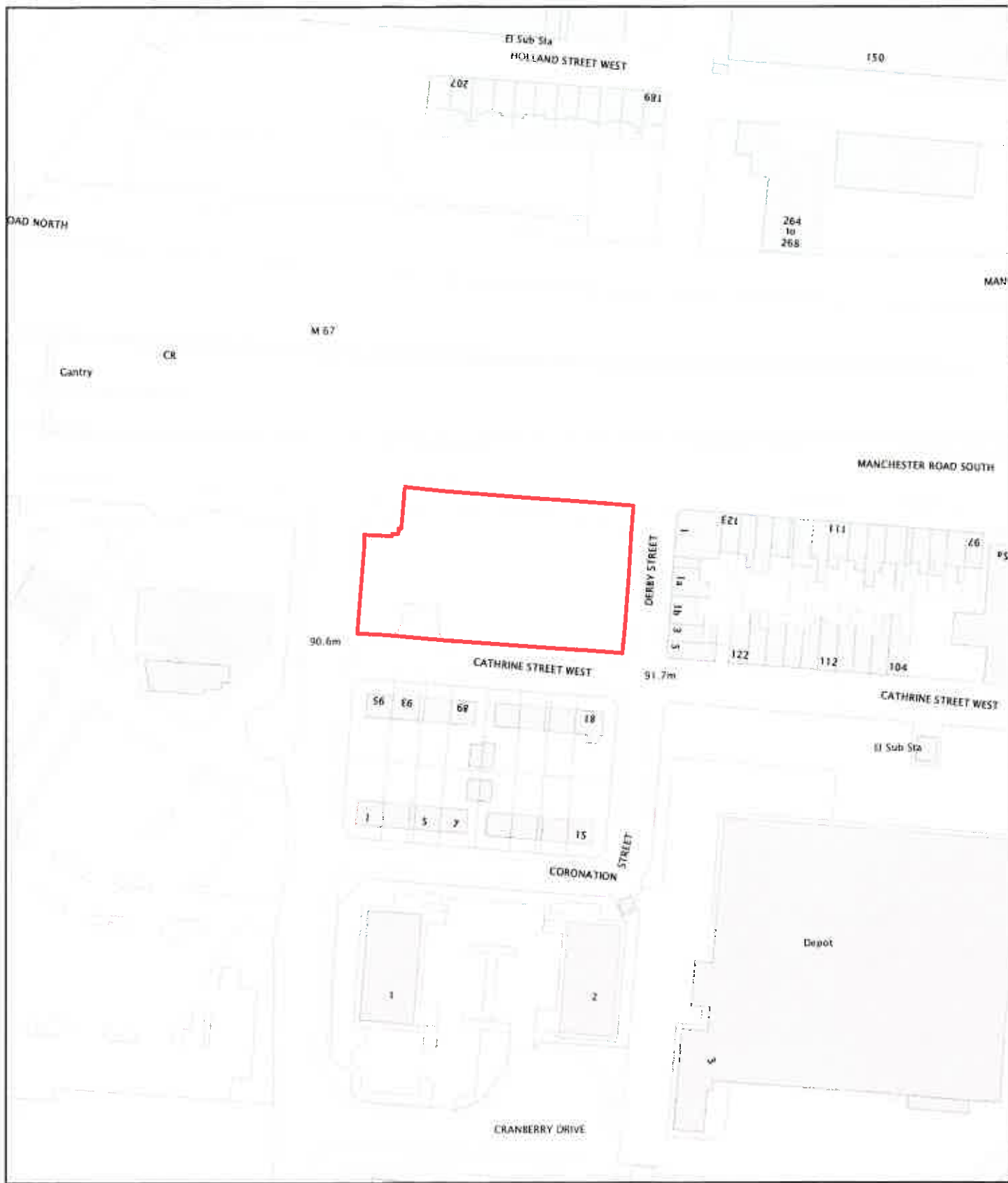
This title is dealt with by Land Registry, Fylde Office.

Land at Catherine Street West Denton

A5
A13



Area 2271 sq metres



1:1,250

SJ9195SW

Plan prepared by Bill Boaden 20/5/2016

Tameside
Metropolitan Borough

0 20 40 80 Meters



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Ordnance Survey 100022697

Estates & Asset Management Unit
c/o Dukinfield Town Hall
King Street
Dukinfield
SK10 4LA

Aileen Johnson
Head of Legal Services

Council Offices, Dukinfield Town Hall,
King Street, Dukinfield, Tameside
SK16 4LA

Call Centre 0161-342-8355
Fax 0161-342-2747

www.tameside.gov.uk

email: peter.mccaughley@tameside.gov.uk

Doc Ref 00125168
Our Ref LS - 003202
Your Ref
Ask for Peter McCaughley
Direct Line 0161 342 4354
Date 26 May 2017

By E Mail

Strictly Private & Confidential

Beverley Lowton
Cathering Street West Residents' Association

Dear Ms Lowton

Re: Nomination of Land adjacent to Catherine Street West and Oldham Road

I write further to receipt of a nomination by Catherine Street West Residents' Association for the above land to be included in the Council's list of Assets of Community Value.

For the nomination to be valid it must be a 'community nomination'. The nomination will be a community nomination if it is made by a voluntary or community body with a local connection. The regulations relating to Assets of Community Value provides a list of bodies that can be a voluntary or community body. This list includes an unincorporated body. However the regulations state that such a body must have at least 21 individual local members and must not distribute any surplus it makes to its members

So that the Council can be satisfied that Catherine Street West Residents Association is a voluntary or community body as defined by the regulations please provide me with a copy of the Association's constitution and the minutes of the meeting which record that this constitution was agreed by the members.

Please also confirm that the Association does have at least 21 local members who are individuals.

For the Association to have a local connection the regulations state that its activities must be wholly or partly concerned with Tameside or with a neighbouring authority's area and that any surplus it makes is wholly or partly applied for the benefit of Tameside or with a neighbouring authority's area

Please provide information to show that the Association does indeed have a local connection.

Should you require any clarification on these regulations you should seek independent legal advice.

Once the Council receives information and is satisfied that Catherine Street West Residents Association is a voluntary or community body and that this is a valid community nomination the nomination will be considered.

I will notify the owner of the land and any other party required to be notified and invite their comments on the nomination. A report will then be prepared and submitted to the Borough Solicitor for her to determine whether the land should be included in the Council's list of Assets of Community Value.

Once that decision has been made you and any other relevant party will be informed.

It is important that you know that the land will be listed if in the opinion of the Council: (a) an actual current use of the land that is not 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 or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

If the Council is not of the opinion that these criteria are met then the land will be listed as an asset of community value if in the opinion of the Council; (a) there is a time in the recent past when an actual use of the 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 land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Matters not relating to these criteria cannot be taken into account when deciding whether the land is land of community value. If you have any further information which you believe will assist the Council in deciding whether the above criteria apply, please provide it without delay. Any information you have provided or do provide will be disclosed to any party required to be notified of this nomination to enable them to respond accordingly.

If it is decided that the land is of community value it will be added to the Council's list of Assets of Community Value. The owner can then only dispose of the land if the following conditions have been satisfied:

1. The owner has notified the Council that he wishes to enter into a relevant disposal;
2. A period of 6 weeks has then passed without the Council receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
3. An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

It is important that you understand that the owner is not prevented from selling the land even if it is listed as an asset of community value. Neither is the owner compelled at any point to sell the asset to a community interest group, rather he cannot sell it to anyone else within the moratorium period. The owner can sell the property at any price that he can obtain or not at all as the case maybe. There is no obligation whatsoever for the owner to negotiate or deal with a voluntary or community body or community interest group.

I trust that this letter explains the procedure that will be followed and the criteria to be applied by the Council when deciding whether or not the land is land of community value. Should you require any further information please contact me and I will try and assist.

I now await the information requested of you so that the Council can be satisfied that Catherine Street West Residents Association is a voluntary or community body with a local connection.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter McCaughley', written in a cursive style.

**Peter McCaughley
Principal Solicitor
For Borough Solicitor**

Dear Ms Lowton

I can confirm that on receipt by the Council on 20 June 2017 of the Constitution of Catherine Street West Residents' Association I am now satisfied that the Association is a community or voluntary body with a local connection. For that reason I am satisfied that the nomination is 'community nomination' as defined by the Localism Act 2011 and falls to be considered by the Council.

As the Constitution was received on 20 June your nomination is treated as having been received on that day. This means the Council has 8 weeks from that date to determine the nomination. I have advised you in my letter dated 26 May of the process that will now be followed.

I will contact you again with the outcome of the nomination but should I require any information in the meantime I will contact you. Likewise should you require information on the progress of this nomination please do not hesitate to contact me.

Regards

Peter McCaughley

Principal Solicitor General Law

Legal Services

Governance

Governance, Resources and Pensions

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Dukinfield Town Hall | King Street | Dukinfield | Tameside | SK16 4LA

Tel. 0161 342 4354

Email Disclaimer <http://www.tameside.gov.uk/disclaimer>

CONSTITUTION

1.

The organisation is to be known as the

CATHERINE STREET WEST RESIDENTS ASSOCIATION

2. Aims of the Association

- (a) To promote the interests of all residents of the area and assist in maintaining good relations between the community and Tameside council
- (b) To seek to promote the housing conditions amenities and environment and oppose further Industrial development of: -

CATHERINE STREET WEST. DERBY STREET. CORONATION STREET.
MANCHESTER ROAD SOUTH. HEATON STREET. HOLLAND STREET

- (c) To promote the common interests and rights of all the tenants and leaseholders living in the area regardless of nationality, age, sex, race, colour, religious or political beliefs.
- (d) To promote the common interests and rights of the tenants and residents of the estates and roads listed above in paragraph 2(b) in whatever way possible.
- (e) To promote social activities for members of the community.
- (f) To promote the retention of Green Space area for the community

3. Membership

- (a) Membership is to be clearly open to all tenants and leaseholders including freeholders as listed in paragraph 2(b). Membership will embrace all adult members of the family residing in the estates and roads listed in paragraph 2(b).
- (b) Membership will be free subject to everyone contributing to expenses occurred. This will be reviewed each year at the AGM
- (c) A membership list should be maintained and made available to the Council with the accounts each year.
- (d) Voting shall be one member, one vote.
- (e) Membership will be open to any tenant or owner or landlord over the age of 16

20 JUN 2017

Solicitor

4. Management Committee

The management of the Association including the control of accounts is to be vested in a Committee consisting of:-

(A) CHAIRPERSON

TREASURER
SECRETARY

The Committee is to be elected each year at the AGM

5. Annual General Meetings

This is held once a year when the committee reports on the activities of the group for the previous year and some members may resign and others be elected.

- (a) An Annual General meeting is to be held in **NOVEMBER** of each year. No AGM can be held if less than **30%** of the members are present.
- (b) Not less than 14 days' notice is to be given and an Agenda is to be sent with the Notice calling the meeting and it will include:
 - (i) The report of the Committee.
 - (ii) Election of the Committee.
 - (iii) To consider any proposals to change the Constitution, notice of which will have to be given to the Secretary in writing at least 14 days prior to the AGM.
 - (iv) Nomination for election to the Committee is to be made only by members present at an Annual General Meeting or on prior written notice.
 - (v) Voting at an Annual General Meeting is to be by a show of hands or by a ballot, based on one member one vote.

6. General Meetings

(a) Three (but not less than Two) general meetings per year are to be held.

Minutes of meetings will be circulated to all members.

7. Voting

(a) Any member may make a proposal. In order for it to be voted on it must be seconded by someone else.

(b) Only members present may vote.

(c) Before voting any member may propose an amendment which must be seconded.

(d) No member can vote more than once.

(e) In the event of an equal vote Chair will have the casting vote.

8. General

(a) The Association is to remain at all times independent of political and religious organisations or activities.

(b) The association's Constitution and Standing Orders will be freely available to all members of the association.

10. Finance

The association will maintain open financial records, which will be available to the Council each year for inspection.

(a) All money raised by the Association is to be used only to further the aims of the Association

(b) The accounts shall be made available to members at the AGM.

11. Alterations to the Constitution

(a) The Constitution may only be altered at the AGM or SGM. All proposed changes must be submitted to the Secretary at least 14

days before the meeting, a copy of which should go out with the invitations to the meeting.

- (b) Any changes to the Constitution must be agreed by at least two thirds of the members present who are eligible to vote.

12. Dissolution Clause

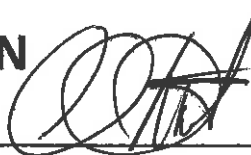
- (a) The Association may only be dissolved at a SGM called for that purpose and must be advertised 14 days before the meeting.
- (b) A proposal to dissolve the Association shall only take effect if agreed by two-thirds of the members present.
- (c) Any assets remaining after the payment of all debts and liabilities shall be given to charitable purposes according to the wishes of members at the meeting

Agreed at the Committee meeting of the:

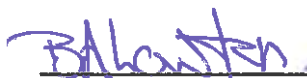
CATHERINE STREET WEST

RESIDENTS ASSOCIATION

Signed: Chairperson



Secretary



Dated:

30 November 2016

CATHERINE STREET WEST RESIDENTS ASSOCIATION MEETING

Held 7th June 6.30pm at the Cafe Sainsburys . Oldham Road. Denton

Chaired by Carl Whaite

Present where:

Peter Curran. . Beverley Lowton. Carl Whaite. Carol Adshead. Billy Adshead. Carl Albiston. Marie Albiston. Ann Whaite. David Holland. Eillen Holland. Barbara Marshall. Anne Gill. Tina Coulson. Barbara Shaw. Brian Collins. Prudence Collins.

Agenda.

1. Appologies

2. Minutes of last meeting

3. Update on sale of land opposite Catherine Street West/Derby street

4. Grass on said land cut by Peter Curran with our thanks

5. Plan of action on said land to move forward... need to have planned events documented with pictures.

6. Any other business

1. Apologies sent by.... Angela Curran. Alistair Jolly. Caroline Calderbank. Nichola Waterworth. Paul Wrigley. Jackie wrigley. Jean halliday. David Halliday. Ian Coulson

2. Minutes of last meeting agreed

3. Information fed to those present that the land had been resold in April at a cost of £75,000. The details of the new owner is as yet unknown. A surveyor was seen on the land yesterday but would not divulge any information on the owner or plans for the land.

It was suggested that Bev Lowton emailed Mr Bourne at the council about being kept up to date of any planning applications submitted for the land

4. It was pointed out that as it was not our land and the owner was unknown that to cover himself Peter Curran would contact Environmental Health and ask about the legality of cutting the grass and if they knew who the owner was.

People were asked to contribute to the petrol and oil costs for cutting the grass...money to be given to the treasurer.

Carl Whaite to speak to friends of the earth for advice on the land and the protection of the nesting Mallards (Countryside and Wildlife Act 1981) and roosting bats (EU Regulations 1994 and Natural England)

5. All those present where given a copy of the constitution to read and agree to. All present agreed to the constitution. Chair and secretary signed the copies. One of which is to be held by the chair

with a copy of the residents list of names and addresses and signed form of agreement to the constitution.

Residents pointed out that there was previously a Catherine Street West Residents Association and One also for Heaton street and that the two previous associations should be recognised as legally as this associations predecessors

Aileen Johnson
Head of Legal Services

Council Offices, Dukinfield Town Hall,
King Street, Dukinfield, Tameside
SK16 4LA

Call Centre 0161-342-8355

www.tameside.gov.uk

email: peter.mccaughley@tameside.gov.uk

Doc Ref 00178602
Our Ref LS - 003202
Your Ref
Ask for Peter McCaughley
Direct Line 0161 342 4354
Date 5 July 2017

First Class

Strictly Private & Confidential

Mr Robert Pownall Stagg



Dear Mr Stagg

Re: Nomination of Land on the North Side of Catherine Street West, Denton as an Asset of Community Value

I write to inform you that the Council has, on 20 June 2017, received a nomination from the Catherine Street West Residents' Association for the above mentioned land to be included on the Council's register of Assets of Community Value. I enclose a copy of that nomination for you to consider.

The Council is satisfied that this is a valid nomination as it has been made by a community or voluntary body with a local connection to the Denton area. The Council must therefore consider the nomination.

The Council is required to give information about the nomination to the owner of the land as well as to any leaseholder or occupant of the land. I am aware that you, together with Susan Mary Stagg, have recently registered with the Land Registry as the proprietors of the above mentioned land. I would be grateful if you would let me know of any person who holds a lease to the land, occupies the land or has your permission to use the land for any purpose. I will then be able to provide them with information about the nomination and invite their comments.

The nomination will be considered by the Borough Solicitor, Ms Sandra Stewart who will then decide whether the land is land of community value. The Borough Solicitor is required to make this decision by 15 August 2017.

The land will be land of community value if in the Council's opinion (a) an actual current use of the land that is not 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 or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

If the Council is not of the opinion that these criteria are met then the land will be land of community value if in the opinion of the Council; (a) there is a time in the recent past when an actual use of the 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 land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Matters not relating to these criteria cannot be taken into account when deciding whether the land is land of community value.

If you have any information which you believe will assist the Council in deciding whether the above criteria apply, please provide it without delay. In particular please provide information about how the land is used now, who uses it now, what the land was used for in the recent past, what plans you have for the use of the land in the near future and within the next 5 years, and whether you consider any use of the land either in the past or present furthered or furthers the social wellbeing or social interest of the local community.

Please provide this information by 19 July 2017 so that it can be considered by the Borough Solicitor when she considers the nomination. If you do not provide any information then the Borough Solicitor will be prevented from considering your views when making her decision.

If it is decided that the land is of community value it will be added to the Council's list of Assets of Community Value. The owner could then only dispose of the land if the following conditions have been satisfied:

1. The owner has notified the Council that they wish to enter into a relevant disposal;
2. A period of 6 weeks has then passed without the Council receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
3. An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

It is important that you understand that the owner is not prevented from selling the land even if it is listed as an asset of community value. Neither is the owner compelled at any point to sell the asset to a community interest group, rather they cannot sell it to anyone else within the moratorium period. The owner can sell the property at any price that they can obtain or not at all as the case maybe. There is no obligation whatsoever for the owner to negotiate or deal with a voluntary or community body or community interest group.

If it is decided that the land is not of community value then it will be included on the Council's register of unsuccessful nominations and the conditions for disposal of the land referred to above would not apply.

I hope this letter explains the situation to you. I look forward to receiving any information you have regarding any other leaseholders, occupiers or users of the land. I also look forward to receiving your comments and views on the nomination.

Yours sincerely

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Peter McCaughley
Principal Solicitor
For Borough Solicitor

Aileen Johnson
Head of Legal Services

Council Offices, Dukinfield Town Hall,
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email: peter.mccaughley@tameside.gov.uk

Doc Ref 00179248
Our Ref LS - 003202
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Date 5 July 2017

First Class

Strictly Private & Confidential

Ms Susan Mary Stagg



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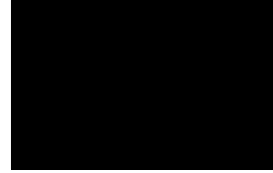
Yours

A handwritten signature in black ink, appearing to read 'Peter McCaughley', written in a cursive style.

Peter McCaughley
Principal Solicitor
For Borough Solicitor

Please scan to me
A 22
+ Peter

R and S Stagg



Peter Mc Caughley
Principal Solicitor
Tameside MBC Council Offices
Dukinfield Town Hall
King Street
Dukinfield
SK16 4LA

Your Ref LS-003202

18th July 2017

Dear Mr Mc Caughley

RE:- Nomination of Land on North Side Of Catherine Street West, Denton

We write with reference to your letter dated 5th July 2017 in which you state that the Council received a nomination from the Residents Association on 20/6/17, yet the paperwork appears to be dated 19/4/17, so we are unsure if this is the first application received by the Council.

It is just Robert and Susan Stagg who are the leaseholders to the land and there are no occupants on it currently.

We recently purchased the land, but previously it was owned by TMBC, who sold it off as an unwanted asset. It was then put up for auction on 18/10/16 but withdrawn, but put back to auction on 6/12/16 and was then sold to the previous owner, who after a few months put it back up for auction on 25/4/17. It was at this point that we purchased the land.

AS the Council had sold the land off as unwanted, it does seem a little unfair if the land was now deemed to be of community value, as it may have been better if the Council had kept it initially. However, as an option, we would be prepared to sell the land back to the Council at our purchase price, or alternatively, if the Residents Association want to do some fund raising and purchase it for themselves, we would also agree to this, if an agreement could be drawn up.

We had no immediate plans for the land, but since receiving this Notice, and were made aware that there was a Residents Association, we have drafted a letter to all members of this group, and hand delivered them through the properties in the surrounding area of Catherine Street West (copy enclosed). In this, we suggest the backing of the Residents Association for us to build 4 small houses in keeping with the current properties, leaving approximately half of the land as green space, which we would then after completion of the houses, donate to the Residents Association for them to use

and maintain as they wish. This would ensure that the remaining land would be free from any future developments, giving the Residents total peace of mind. We also note that the majority of the current residential properties have their own gardens at the front and rear, of a reasonable size, so the residents are not completely without "green space".

We also asked if anyone had any ideas or proposals in connection with the land, we were willing to meet up and discuss future developments etc. As we have no formal address for this group, or the number of members and the radius of their proximity, it was difficult to speak to the right person, however, whilst out delivering we did manage to speak to a couple of residents. One gentleman was keen and seemed to welcome our projects but another gentleman, joined us later and was extremely negative and not open to any discussion whatsoever. No names were given and we have not had any response by phone, email or post from any of the residents, which would have been helpful at this stage.

Currently on the land, there is a lease which has been in place since 20/5/13 for advertising panels. This is with Primesight – The Met Building, 22 Percy Street, London W1T 2BU.

Therefore, as you can summarise, we have purchased the land with the intention of building 4 residential houses which are suitable with the surrounding area, retaining the trees and a good majority of green area for the local residents to then take over the up keep of in their Association's name, if this is what they as a group would like.

We trust this is satisfactory to your requirements but if you should have any further questions please do not hesitate to contact us and we would be only too happy to assist.

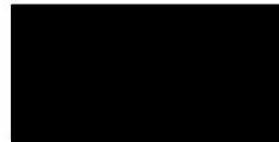
We look forward to hearing from you.

Yours sincerely



Robert and Susan Stagg

R&S Stagg



To the Members of
Catherine Street West
Residents Association

10th July 2017

Dear Residents

RE:- Land at Catherine Street West

We have recently purchased the above land and have had a letter through from Tameside Council regarding your interest in it.

We are looking to develop a part of the land, to build 4 low cost and affordable houses, in keeping with the current surrounding properties. We anticipate this to use less than 50%.

The vast majority, if not all, of trees will be untouched, keeping the area as it is.

Once the houses have been built, the remaining land, which as stated above will be around 50% of it, can be gifted to the local Residents Association free of charge, resulting in the guaranteed future of the land.

At present, we do not have a proposed plan to show, but we are open to any ideas/suggestions that people may have in developing the land so it is beneficial to both parties involved.

If your Association wants to arrange a meeting with ourselves to discuss the development and have a chat to clarify matters, we would gladly do that too.

We look forward to hearing from you.

Kind regards

A handwritten signature in black ink, appearing to be 'AS' or similar initials, written over a horizontal line.

Rob and Sue Stagg



From: Rob Stagg [REDACTED]
Sent: 28 July 2017 14:45
To: Peter McCaughley
Subject: Re: Nomination of land at Catherine Street West, Denton Our Ref LS-003202

Good Afternoon Mr McCaughley,

Thank you for your email and for clarifying the dates of the nomination forms being received at the Council.

As stated in our previous email, we had sent individual letters through the local resident's doors inviting them to pass any ideas/suggestions on to us or if they preferred we offered to meet up for an informal chat. Since our reply to yourself on 19th July, we have received a letter from the Resident's Association which states they wish us to communicate direct with the Council and not themselves.

There are no specific details for a contact for them but whilst we were delivering the letters, we did speak to a couple of gentlemen. The first gent was very receptive of what we were possibly looking at doing with the land and how we wanted the Residents to still have some Greenspace after the development, and even signing the land over to the Association to manage for themselves in future years, thus making it safe from any further developments. Another gent then arrived (the Chairman i believe) and he was dismissive of me and what I had to say and not at all interested in listening as he repeatedly said that they wanted no change and wanted things to stay exactly how it is now. We are not sure if this would be his own opinion on the situation, or indeed that of the majority of Residents of which we are unaware of the number of people this equates to.

Finally, as a point of interest, we drive past the land numerous times, and to date have not seen anyone using the land.

Kind regards

Rob and Sue Stagg

On Fri, Jul 21, 2017 at 11:05 AM, Peter McCaughley <peter.mccaughley@tameside.gov.uk> wrote:

Dear Mr and Mrs Stagg

Thank you for your letter and response to the nomination made by Catherine Street West Residents' Association for the above mentioned land to be included on the Council's list of assets of community value.

In respect of the dates when the nomination was received it is correct that the Council first received the nomination from Catherine Street West Residents' Association in April 2017. However it wasn't until 20 June 2017 that the Council received all of the documentation from Catherine Street West Residents' Association to allow the Council to treat the nomination as a valid one. It is for this reason that the Council has treated the date of receipt of a valid nomination as 20 June.

I would also clarify that a decision has not yet been taken as to whether the land is of community value. This decision will be taken by the Borough Solicitor after consideration of all the information and by having regard to the criteria set out in my letters of 5 July. If the decision is that the land is to be included on the council's list of assets of community value, it will not stop you developing the land, subject of course to planning permission. Neither would it stop you selling the land or restrict who you can sell it to. However as stated in my letter the following conditions would need to be satisfied before any sale took place:

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1. You have notified the Council that you wish to sell the land;
2. A period of 6 weeks has then passed without the Council receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
3. An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

I note that your willingness to engage with Catherine Street West Residents' Association. I will contact the Secretary and ask if she is willing for her details to be passed to you. This would then enable you to engage directly with her.

Once again thank you for responding. I will notify you of the Borough Solicitors decision which is required to be made no later than 15 August.

If you have any queries or wish to provide any further information please contact me.

Regards

Peter McCaughley

Principal Solicitor General Law

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Dukinfield Town Hall | King Street | Dukinfield | Tameside | SK16 4LA

Tel. 0161 342 4354



From: Rob Stagg [mailto: [REDACTED]]
Sent: 19 July 2017 12:39
To: Peter McCaughley
Subject: Nomination of land at Catherine Street West, Denton Your REF LS-003202

Please find attached a copy of a response to your letter dated 5th July 2017 which will also be hand delivered today to the office address.

If you have any queries or would like to discuss the matter further, please do not hesitate to give me a call on [REDACTED]

Kind regards

Rob and Sue Stagg

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From: Peter McCaughley
Sent: 05 July 2017 14:46
To: Councillor Brenda Warrington; Councillor Michael Smith; Councillor Dawson Lane
Subject: Catherine Street and Oldam Road West (Land Adjacent) - ACV Nomination
Attachments: 142574 - Nomination.pdf

Dear Councillors

I write to advise you that the above mentioned land has been nominated by the Catherine Street West Residents' Association to be added to the Council's register of Assets of Community Value (ACV). I attach a copy of the nomination for your consideration. The following link takes you to the Google earth image of the land

<https://www.google.co.uk/maps/place/Catherine+Street+West,+Denton,+Manchester+M34+3SY/@53.4559787,-2.1292993,60m/data=!3m1!1e3!4m5!3m4!1s0x487bb420f299eb:0x3eccb61f7016bd77!8m2!3d53.455821!4d-2.1277914>

The nomination will be considered by the Borough Solicitor, Ms Sandra Stewart who will then decide whether the land is land of community value. The Borough Solicitor is required to make this decision by **15 August 2017**.

Legislation states that the land will be land of community value if in the Council's opinion (a) an actual current use of the land that is not 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 or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

If the Council is not of the opinion that these criteria are met then the land will be land of community value if in the opinion of the Council; (a) there is a time in the recent past when an actual use of the 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 land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Matters not relating to these criteria cannot be taken into account when deciding whether the land is land of community value. So concerns regarding the adverse impact of overdevelopment on the local infrastructure or the environment are not relevant to ACV nominations. These issues would be dealt with by the planning authority should any plans for development of the land be submitted.

If you have any information which you believe will assist the Council in deciding whether the above criteria relating to community land apply, please provide it so that I can include the information in the report prepared for the Borough Solicitor. In particular please provide any information or knowledge you may have about

1. how the land is used now;
2. who uses it now;
3. what the land was used for in the recent past;
4. who has used the land in the recent past
5. what plans there may be for the use of the land in the near future and within the next 5 years; and
6. whether you consider any use of the land either in the past or present furthered or furthers the social wellbeing or social interest of the local community.

Please provide this information by 19 July 2017 so that it can be considered by the Borough Solicitor when she considers the nomination. If you do not provide any information then the Borough Solicitor will be prevented from considering your views when making her decision.

If it is decided that the land is of community value it will be added to the Council's list of Assets of Community Value. The owner could then only dispose of the land if the following conditions have been satisfied: A 29

1. The owner has notified the Council that they wish to enter into a relevant disposal;
2. A period of 6 weeks has then passed without the Council receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
3. An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

It is important to note that the owner is not prevented from selling the land even if it is listed as an asset of community value. Neither is the owner compelled at any point to sell the asset to a community interest group. Rather they cannot sell it to anyone else within the moratorium period. The owner can sell the property at any price that they can obtain or not at all as the case maybe. There is no obligation whatsoever for the owner to negotiate or deal with a voluntary or community body or community interest group.

If it is decided that the land is not of community value then it will be included on the Council's register of unsuccessful nominations and the conditions for disposal of the land referred to above would not apply.

I have also invited comments from the owners of the land and anyone else with a legal interest in the lan.

I intend to start preparing the report for the Borough Solicitor on 20 July following the date for receipt of all comments. I will provide you with a copy of that report on its completion.

I will also notify you of the Borough Solicitors decision once this is made.

Regards

Peter McCaughley
Principal Solicitor General Law

Legal Services
Governance
Governance, Resources and Pensions

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