

Reference allocated: [ ]

Date received: [ / / ]

## Assets of Community Value – Community Right to Bid

### Swindon Borough Council Nomination Form

*References in this form to the 'Act' are references to the Localism Act 2011 and references to a 'regulation' or to 'the Regulations' are references to The Assets of Community Value (England) Regulations 2012*

#### 1. Your Organisation

Name of your organisation: [Lydiard Fields Action Group \(LFAG\)](#)

Contact name: <sup>[ ]</sup><sub>SEP</sub> [Lorraine Williams](#)

Position within the organisation: [LFAG Steering group member](#)

Address: [2 Bale Close, Grange Park, Swindon, SN5 6HX](#)

Telephone: [07976 323 574](#)

Email: [lorraine.bramwell@bestwayforward.com](mailto:lorraine.bramwell@bestwayforward.com)

#### 2. Eligibility to nominate

*A nomination can only be made by (a) a <sup>[ ]</sup><sub>SEP</sub> area or (b) a voluntary or community body (as defined in regulation 5) with a local connection (as defined in regulation 4). Please explain why you consider that your organisation is eligible to make a nomination and provide evidence in support.*

[Lydiard Fields Action Group](#) was established in 2010 by members of the local community in response to attempts to develop the rural edge of Swindon surrounding [Lydiard House and Country Park](#). The group remains active through its work in restoring and maintaining the [Greendown Copse](#) and approach to [Lydiard Park](#), volunteering within the park and local litter picking. As such, the group meets all the criteria of sections 4 and 5 of the Assets of Community Value Regulations 2012 for a community body with local connections. For further details of LFAG's community work, please contact the above named person.

[We understand that there may be some data protection issues with regard to supplying the name and address of all the local people on our member's circulation list. Instead therefore we have provided the names and addresses of the requisite 21 members at this stage, fulfilling the criteria of an unincorporated group of 21 or more people who appear on the local electoral register. \(Please see Appendix C\).](#)

### **3. Description of the asset**

*Please provide a description of the nature, current use and location of the building or other land you are nominating including its boundaries and where appropriate the address and postcode. If possible please attach a plan and state that you have done so.*

Lydiard Fields Action Group would like to nominate Lydiard House, including the Stable Block and Walled Garden and Lydiard Park (all SN5 3PA), plus the Greendown Plantation. We have numbered these specific assets 1, 2 and 3 and this relates to the numbered areas on the attached map in appendix A

#### **Asset 1) Lydiard House, Stable Block and Walled Garden**

Lydiard House (a), Stable Block (b) and Walled Garden (c) are all linked historical features that lie within, and close to the northern edge of Lydiard Park (Land Registry WT 291584).

Part of the ground floor of Lydiard House museum is open to the public, as is the restored Georgian Walled Flower Garden. Other areas within Lydiard House, plus parts of the stable block are used as staff offices. The rest of Lydiard House operates as an event, conference and hotel facility and is now managed by Swindon Borough Council. The Stable Block also contains public toilets, an education room and a cafe.

#### **Asset 2) Lydiard Country Park**

Lydiard Country Park (Land registry WT291584) forms part of the historic park, as registered under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. (List entry Number: 1001238). This application includes all land shown in WT291584, an area which spills over the border of Swindon's western edge into Wiltshire (as does the historic registered park). Whilst we will be sending a copy of this application to Wiltshire for information, we trust that Swindon Borough Council will follow through our application and co-operate with Wiltshire County on our behalves, as indicated in the Act, under the 'Duty of Cooperation' Section 102.

Please note there are two areas that lie within the Land Registry area WT 291584, but are excluded from this title (and from our nomination – they are St Mary's Church and Brook Cottage).

The parkland was originally part of the St John (Viscount Bolingbroke) estate, previous owners of Lydiard House. It is currently used as a country park with additional important historical value.


#### **Asset 3) The Greendown Plantation**

The Greendown Plantation together with the pathways and planting relating to Jewel Close and Gower Close, as shown on part 2 of the Land registry Title Plan WT97120 (attached). This ancient copse or plantation was previously part of Lord Bolingbroke's Lydiard estate, and is now a walking route and wildlife haven linked to Lydiard Park via the hedgerow and green space.

Please see attached plan, indicating and numbering the areas nominated, together with part 2 of the Land registry Title Plan WT97120.

#### **4. Ownership and occupation**

*Please provide a statement of all the information you have about the ownership and occupancy of the nominated asset including:*

*Name(s) of the current occupant(s):* 

*Name(s) and current or last known addresses of all those holding a freehold or leasehold estate in the asset (if known): If you have obtained ownership information from the Land Registry, please attach it and state that you have done so:*

All the areas mentioned – Lydiard House, Stable Block, Walled Garden, Lydiard Country Park, plus the Greendown Plantation and pathways are owned by Swindon Borough Council. Land registry details are attached in **Appendix B** (although we have not included the plan for Lydiard Park: it is a large document which we assume SBC already possesses, though we could supply if necessary).

#### **5. Community Value**

*Please explain as fully as possible why you believe that Swindon Borough Council should conclude that the asset you are nominating is land of community value in accordance with section 88 of the Act and regulation 3.*

LFAG would like to nominate Lydiard House, Stable Block, Walled Garden and Lydiard Country Park, together with the Greendown Plantation (as previously defined).

We would like to nominate these linked assets on the grounds that the main use of this land and these buildings furthers the social well-being and social interests of the local community and it is realistic to think that this can continue into the near future.

It has been asked on this application form that we make our nomination “in accordance with section 88 of the Localism Act and also Regulation 3.”

REGULATION 3 we presume refers to the Assets of Community Value (England) Regulations 2012, Reg 3, which says that land within a description specified in Schedule 1 is not land of community value (and therefore may not be listed).

Schedule 1 relates to residences and land connected with that residence; land used for caravan pitches and Operational Land as defined in S263 of the Town and Country Planning Act 1990, which is land used, or to which interests are held, for the purpose of carrying on of statutory undertakings (e.g. universal postal service).

We do not believe that Regulation 3 has any relevance to any of the assets we have listed in this application as none fit this description.

Our understanding of Sec. 88 of the Localism Act 2011 is as follows:

A building or area of land is of community value if:

- 1.1 *An actual current use of the building or land that is not an ancillary use furthers the social well-being or social interests of the local community AND*
- 1.2 *It is realistic to think that there can continue to be non-ancillary use of the building or land which will further (whether or not in the same way) the social well-being or social interests of the local community.*

OR

- 2.1 *A building or land that is not land of community value by virtue of (1) is of community value if in the opinion of the local authority:*
- 2.2 *There is a time in the recent past when an actual use of the building or land that was not an ancillary use furthered the social well-being or interests of the local community AND*
- 2.3 *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 the social well-being or social interests of the local community.*

LFAG believe that all the assets listed in this application are in accordance with Section 88 of the Localism Act:

**Assets 1) and 2): Lydiard House, other buildings within the park and the country park**

These have long been recognised and used by both the local community, residents of Swindon and beyond as one of Swindon's most valued cultural and recreational assets. They have provided:-

- A hub for a wide range of cultural events for the public
- A place of recreation and relaxation<sup>[1]</sup><sub>SEP</sub>
- A nature reserve<sup>[1]</sup><sub>SEP</sub>
- An educational resource
- A link with Swindon's heritage<sup>[1]</sup><sub>SEP</sub>
- A venue for a wide range of physical events encouraging a healthy lifestyle<sup>[1]</sup><sub>SEP</sub> for the local community for over 70 years, since its purchase by Swindon Borough Council in 1943.

More specifically:

- The historic buildings and features of Lydiard House, Stable Block and Walled Garden all contribute to the well being and interests of local people, whether through visiting these areas, from personal involvement in research, archaeology or gardening, or simply from valuing the sense of history or tranquility created, or a combination of all these things.
- The Country Park designated as such since 1985-6 and lying mainly within a rural setting gives the benefit of fresh air, exercise and leisure opportunities, the

enjoyment of wildlife and different ecological habitats, as well as appreciation of the historical nature of the park and archaeological features within it.

It should be noted that although the whole English Heritage registered park is not included in this registration, it does nevertheless add to the importance and enjoyment of the park. The recognised national significance of the park is a considerable source of pride for local people and its protection and upkeep as a valued local asset, contributes to the community's sense of wellbeing.

### **Asset 3) Greendown Plantation**

LFAG believe that the ancient copse or plantation known as the Greendown Plantation, also fits the definition of an asset of community value, through both its current use, and its links with the park. It has been a constant feature of the landscape and can be clearly seen on maps as far back as 1828. It is appreciated by local people as part of the historic countryside setting for Lydiard House and Park, softening the views of Grange Park. It is linked to Lydiard Park via the hedgerow and green space, and is used as the start for one of the walking/cycling routes connecting local communities to the park. Furthermore, it benefits local people through its wild flowers, birds and wildlife, and for its ecological value as a small area of ancient woodland.

LFAG believes that the destruction, degradation or fragmentation of any of these assets would mark a considerable loss both to the local community and to Swindon as a whole, and lead to the impoverishment of the rural landscape and Lydiard Country Park itself.

## **6. Signature and Submission**

*Please sign and date the form where indicated below or you may type your name if submitting this form electronically. By submitting the form you are confirming that the information provided is correct and complete to the best of your knowledge and belief.*

Name: Lorraine Williams

Signature: **Lorraine Williams**

Position held: Representative – Lydiard Fields Action Group

Date: 30<sup>th</sup> June 2020

*Completed forms and attachments should be sent via email to:*

Rob Richards: [r-richards@Swindon.gov.uk](mailto:r-richards@Swindon.gov.uk) or by post to: Head of Property Assets, Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH.

*Please list all the documents that you are attaching or enclosing below:*

**Document List**

- Application
- Appendix A : Map defining area of proposed asset of community value
- Appendix B: Land registry details for WT 291584 (Lydiard Park) and WT 97120 (Land at Greendown Plantation); Title Plan for Part 2 of WT 97120.
- Appendix C: Community Asset Nomination - 21 Names

*Please Note:*

*In order for Swindon Borough Council to process your nomination it must have sufficient information. It is your responsibility to ensure that you complete this form fully and accurately having regard to the provisions of the Act and the Regulations. Inadequate or inaccurate information may lead to a rejection.*

*Please direct any queries about completing this form to:*

Kathy Sherratt Tel: 01793 463515

[ksherratt@swindon.gov.uk](mailto:ksherratt@swindon.gov.uk)

Head of Operational Assets Swindon Borough Council

Civic Offices

Euclid Street

Swindon

SN1 2JH

**Map defining area of proposed asset of community value.**



## Appendix B:

**Land registry documents<sup>[SEP]</sup> Information we have about the ownership and occupancy of the nominated assets.**

Asset 1 and 2 Lydiard House and Country Park.

This is owned by Swindon Borough Council. (Land Registry details for WT 291584 attached). We have not included a copy of the Title Plan as it is very large and we assume it to be within Swindon BC possession already – we will supply a copy if required

Asset 3 Greendown Plantation

This is also owned by Swindon Borough Council. (Land Registry details for WT 97120 and Part 2 of Land Registry Title Plan for WT 97120 attached)

**Title Number: WT291584**

This title is dealt with by HM Land Registry, Weymouth Office.



The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 13 JUN 2020 at 14:00:11 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

#### REGISTER EXTRACT

Title Number : WT291584
Address of Property : Lydiard Park, Lydiard Tregoze, Swindon
Price Stated : Not Available
Registered Owner(s) : SWINDON BOROUGH COUNCIL of Borough Solicitor, Civic Offices, Euclid Street, Swindon SN1 2JH.
Lender(s) : None

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 13 JUN 2020 at 14:00:11. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

Title Number: WT291584

## A: Property Register

This register describes the land and estate comprised in the title.

### SWINDON

- 1 (12.01.2011) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Lydiard Park, Lydiard Tregoze, Swindon.

NOTE: The land tinted green on the title plan is not included in this title.

- 2 (12.01.2011) A Conveyance of the land tinted blue on the title plan and other land dated 9 October 1943 made between (1) Edward Hiscock and Francis Elliott Akers and (2) The Mayor Aldermen And Burgesses Of The Borough of Swindon contains provisions as to light or air, boundary structures and other matters.

NOTE: Copy filed.

- 3 (12.01.2011) The land has the benefit of the rights granted by but is subject to the rights reserved by a Conveyance of the land tinted yellow on the title plan dated 8 January 1944 made between (1) Edward Hiscock and Francis Elliott Akers and (2) The Mayor Aldermen And Burgesses of The Borough of Swindon.

NOTE: Copy filed.

- 4 (12.01.2011) The Conveyance dated 8 January 1944 referred to above contains provisions as to light or air, boundary structures and other matters.

- 5 (12.01.2011) The land has the benefit of the rights granted by but is subject to the rights reserved by a Conveyance of the land tinted mauve and tinted brown on the title plan dated 27 September 1984 made between (1) William Gordon Brindle Hicks and John Brian Hicks and (2) The Council of The Borough Of Thamesdown.

NOTE: Copy filed.

Title Number: WT291584

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (12.01.2011) PROPRIETOR: SWINDON BOROUGH COUNCIL of Borough Solicitor, Civic Offices, Euclid Street, Swindon SN1 2JH.
- 2 (29.09.2015) RESTRICTION: No transfer or lease of the registered estate(excluding the land edged and numbered 1 in blue on the title plan) 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.
- 3 (08.12.2015) RESTRICTION: No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or

## B: Proprietorship Register continued

lease did not contravene section 95(1) of the Localism Act 2011.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (12.01.2011) The land is subject to the rights reserved by a Conveyance of the land tinted mauve on the title plan and other land dated 3 June 1930 made between (1) The Right Honourable Mary Emily Elizabeth Viscountess Bolingbroke And St John (2) The Most Noble Alan Ian Eighth Duke Of Northumberland, The Honourable William Richard Percy and The Right Honourable Eustace Sutherland Campbell Percy and (3) Josiah George Ody.

NOTE: Copy filed.

- 2 (12.01.2011) The land is subject to a liability to repair the chancel of Lydiard Church as mentioned in a Conveyance of the land tinted blue on the title plan and other land dated 9 October 1943 made between (1)Edward Hiscock and Francis Elliott Akers and (2) The Mayor Aldermen And Burgesses of The Borough of Swindon referred to above.

Title Number: WT291584

- 3 (12.01.2011) The land is subject to a liability to repair the chancel of Lydiard Church as mentioned in a Conveyance of the land tinted yellow on the title plan dated 8 January 1944 made between (1) Edward Hiscock and Francis Elliott Akers and (2) The Mayor Aldermen And Burgesses of The Borough of Swindon referred to above.

- 4 (12.01.2011) A Conveyance of the land tinted pink on the title plan and other land dated 9 April 1984 made between (1) Alfred Edward Gay and (2) Unit Construction Company Limited contains restrictive covenants.

NOTE: Copy filed.

- 5 (12.01.2011) The land is subject to the rights reserved by a Conveyance of the land tinted pink on the title plan and other land dated 13 September 1984 made between (1) Unit Construction Company Limited and (2) The Council of The Borough of Thamesdown.

NOTE: Copy filed.

- 6 (12.01.2011) The land hatched blue on the title plan is subject to the rights granted by a Deed dated 8 July 1985 made between (1) The Council of The Borough of Thamesdown (2) ESSO Petroleum Company Limited.

NOTE: Copy filed.

- 7 (12.01.2011) The land tinted blue on the title plan is subject to the rights granted by a Deed dated 23 October 1986 made between (1) The Council of The Borough Of Thamesdown and (2) The Wiltshire County Council.

NOTE: Copy filed.

- 8 (12.01.2011) A Wayleave dated 5 March 1996 made between (1) The Council of the Borough of Thamesdown and (2) Southern Electricity PLC relates to an underground cable affecting the land tinted yellow on the title plan.

NOTE: Copy filed.

- 9 The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.

The leases grant and reserve easements as therein mentioned.

- 10 (12.02.2018) The parts of the land thereby affected are subject to the rights granted by a Lease of a substation edged and numbered 1 in blue on the title plan dated 12 February 2018 referred to in the schedule of leases hereto.

The said deed also contains restrictive covenants by the grantor.

Title Number: WT291584

## C: Charges Register continued

NOTE: Copy lease filed under WT435486.

### Schedule of notices of leases

Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
12.02.2018 Edged and numbered 1 in	Electricity substation Lydiard Tregoze	12.02.2018 20 years from and including blue 15 March 2009	WT435486

NOTE: See entry in the Charges Register relating to the rights granted by this lease.

End of register

## **Title Number: WT97120**

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

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 21 JUN 2016 at 19:17:37 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

### REGISTER EXTRACT

Title Number:	WT97120
Address of Property:	Land at Greendown Plantation, Lydiard Green, Swindon
Price Stated:	Not Available
Registered Owner(s):	THE COUNCIL OF THE BOROUGH OF THAMESDOWN of Civic Offices, Euclid Street, Swindon, Wilts. SN1 2JH.
Lender(s):	None

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 21 JUN 2016 at 19:17:37. 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.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

Title Number : WT97120

## A: Property Register

This register describes the land and estate comprised in the title.

SWINDON

- 1 (24.12.1984) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land at Greendown Plantation, Lydiard Green, Swindon.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (02.11.1990) PROPRIETOR: THE COUNCIL OF THE BOROUGH OF THAMESDOWN of Civic Offices, Euclid Street, Swindon, Wilts. SN1 2JH.
- 2 (29.09.2015) RESTRICTION: 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.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 By a Conveyance dated 9 April 1984 made between (1) Alfred Edward Gay (Vendor) and (2) Unit Construction Company Limited (Purchaser) the land in this title and other land was conveyed subject to the following:-

"Subject to

.....

all quasi easements and other rights in the nature of easements used or enjoyed over the land hereby conveyed and which would be implied by statute or by reason of severance and take effect as easements in favour of the owner of the retained land of the

First Vendor shown edged blue on the plan as if the same had been conveyed to the Purchaser and the land hereby agreed to be sold had been retained by the Vendor."

Title Number : WT97120

NOTE: The land edged blue referred to lies to the north of the land in this title.

- 2 The land is subject to rights to use any drains sewers manholes, conduits, public service, pipes, cables, wires and other apparatus thereon thereunder or thereover together with ancillary rights.
- 3 The parts of the land respectively affected thereby are subject to rights of entry for the purpose of inspecting cleaning maintaining repairing and renewing external walls, roofs guttering or eaves of the

## C: Charges Register continued

dwelling houses or garages erected on the boundaries of adjoining properties.

End of register

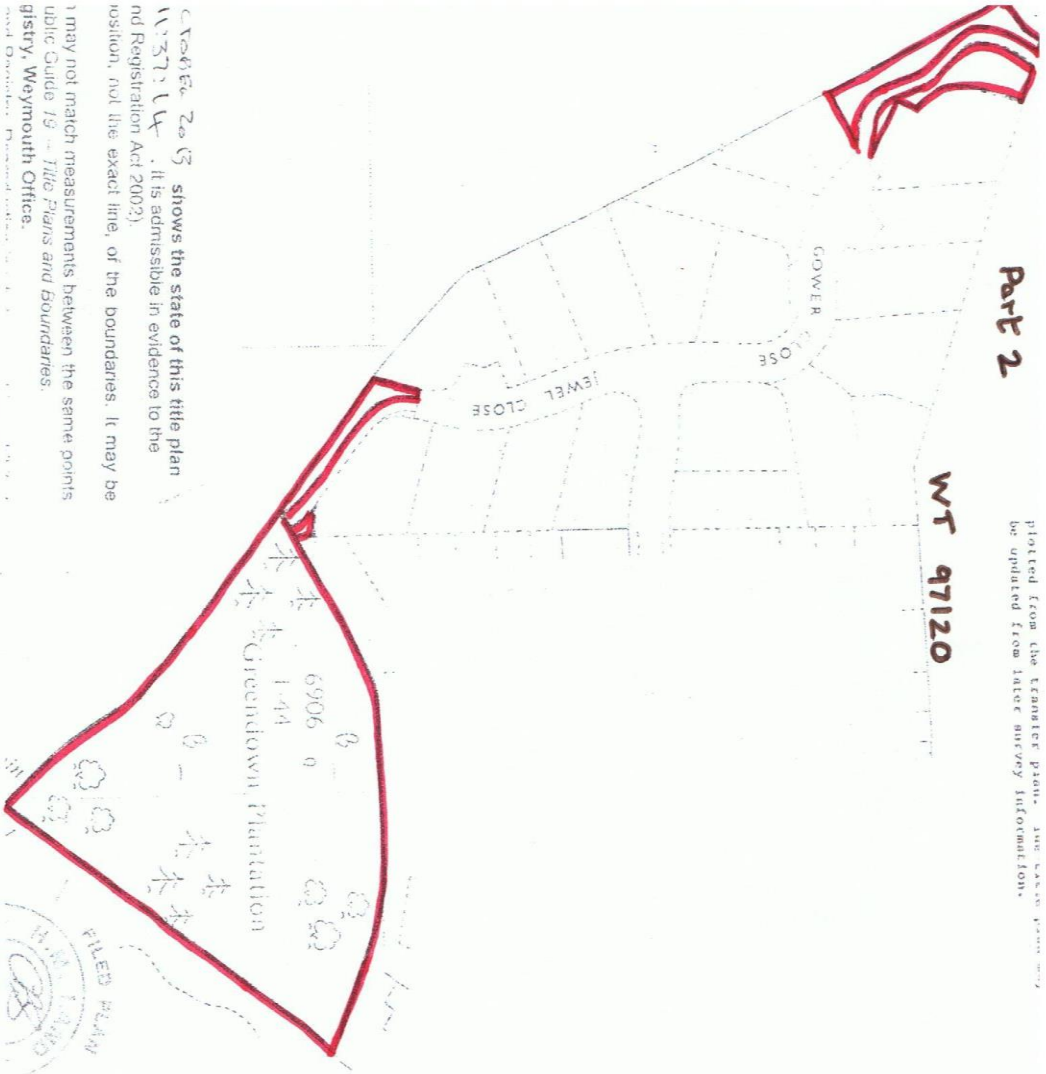


Title Number : WT97120

Part 2

WT 97120

plotted from the transfer plan, the same plan may be updated from later survey information.



Section 20(3) shows the state of this title plan as at 1971. It is admissible in evidence to the Registrar of Land (2002). It may not match measurements between the same points in the title plan and the actual boundaries. It may be used for the purpose of the boundaries. It may be used for the purpose of the boundaries. It may be used for the purpose of the boundaries.

FILED PLAN  
H.M. LAND  
REGISTRY  
Weymouth Office

## Appendix C: Community Asset Nomination - 21 Names

1. Lorraine Williams	
2. Keith Williams	
3. Lee Ryan Williams	
4. Jamie Lloyd Williams	
5. Trevor Caple	
6. Madeline Caple	
7. Kerrie Stone	
8. Justin Jessen	
9. Lynne M Tytherleigh	
10. Barry J Tytherleigh	
11. David Barnard	
12. Geraldine Barnard	
13. Andrew Drinkwater	
14. Jill Drinkwater	
15. Elizabeth Sumner	
16. Barrie Brocks	
17. Robert John Cretchley	
18. Beverley Anne Cejer	
19. Peter Cejer	
20. Luke Cejer	
21. Jill Kelly	
22. Neil Kelly	
23. Mark Leonard Fisher	

24. Tracy Patricia Ann Fisher	
25. Charlotte Victoria Lily Fisher	

