

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	FINANCE AND DEMOCRACY COMMITTEE	21 MARCH 2016	4

COMMUNITY ASSET NOMINATION: BLACKPOOL AIRPORT TERMINAL BUILDING

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The council has received a nomination for the inclusion of the terminal building at Blackpool Airport in its list of assets of community value. Under the Localism Act 2011, the committee must decide whether the property fulfils the criteria for inclusion and, if it does, include it in the list.

RECOMMENDATION

1. Decline to include the terminal building at Blackpool Airport in the council's list of assets of community value because in the opinion of the authority neither the actual use nor any recent use of the building furthers or has furthered the social wellbeing or social interests of the local community; and
2. Include the terminal building in the council's list of unsuccessful nominations.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

None

REPORT

CRITERIA FOR LISTING

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty on Local Authorities to 'maintain a list of land in its area that is land of community value'. 'Land' includes buildings and structures.
2. Land is of community value if (in the opinion of the local authority) an actual or current use¹ of it furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be a use of the land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
3. Land is also of community value if (again in the opinion of the local authority) there has been a time in the recent past when an actual use¹ of it furthered the social wellbeing or social interests of the local community and it is realistic to think that there is a time in the next five years when there could be a use of the land that would further (whether or not in the same way) the social wellbeing or social interests of the local community.
4. 'Social interests' includes cultural interests, recreational interests and sporting interests.
5. Although it is for the local authority to determine whether land falls within the criteria to be included in the list, assets may only be included in the list in response to a nomination by a parish council or a voluntary or community body with a local connection. In addition to the List of Assets of Community Value the council must also maintain a list of land which has been the subject of unsuccessful nominations.

EFFECT OF LISTING

6. If the land is included in the list, the land would become subject to notification requirements and moratorium periods that would apply if an owner of the land wished to dispose of it.
7. An owner cannot dispose of property/land that is on the list, unless they have informed the local authority. Informing the local authority triggers the interim moratorium period. The interim moratorium period lasts for 6 weeks, during which time a community interest group can request the local authority that they be treated as a potential bidder. If the local authority receives such a request, the full moratorium period, which lasts for six months from the time the owner notified the authority of its intention to dispose, takes effect. The owner may not, subject to certain exceptions, dispose of the property during an applicable moratorium period.

THE APPLICATION

8. The application covers the terminal building at Blackpool Airport, Squires Gate Lane, Blackpool. It does not include any other part of the airport.
9. The nomination to list the terminal building was made by Save Blackpool Airport Group, which is a voluntary or community body which meets the criteria² to make a community nomination. The property does not fall within one of the exceptional categories of land that are not capable of being land of community value (residence, caravan site, operational land³). The committee must

¹ Ancillary uses do not count.

² See section 89 of the Localism Act 2011 and regulations 4 and 5 of the Assets of Community Value (England) Regulations 2012

³ The exception for operational land of a statutory undertaker in paragraph 4 of Schedule 1 to the Assets of Community Value (England) Regulations 2012 includes land of a relevant airport operator which is used for the purpose of carrying on their undertaking or land in which an interest is held for that purpose (see section 262 and 263 of the Town and Country Planning Act 1990). It is assumed that the operator of Blackpool Airport is a relevant airport operator. However, the terminal building is presently unused, so it is not used for the purpose of the airport undertaking. The recent planning application to demolish the building and erect a college on its site demonstrates that the land is no longer held for the purpose of the airport undertaking. The operational land exemption does not therefore apply.

therefore consider whether, in their opinion, the land falls within either of the categories of land of community value set out in paragraphs 2 or 3 above.

10. In support of the nomination, the nominating body states that the terminal is an asset of community value because:

‘Without a terminal capable of accepting and dealing with international flights, we won’t see a return of major airlines. We as a community wish to see an eventual return to normal operation whether it be by the current owners or not, so it is vital that this building is retained so as not to close the door on future international flight.

To illustrate how the recent use of the terminal furthers the social well-being or social interests of the local community and that it is realistic to think that there is a time in the next five years when there could be a use of the land that would further the social wellbeing or social interests of the local community, the group say:

‘This terminal was used daily by thousands of local residents up until October 2014. Since the closure of the terminal, locals who are able, have had to travel to Manchester and Liverpool to enjoy international travel. Those less fortunate, the elderly and the disabled, many of whom are our members, are not physically able to get to Manchester/Liverpool, so no longer travel abroad. We fully expect full international operations to resume at Blackpool within 5 years as the demand is there, but only if we have a terminal suitable for purpose’

CONSIDERATION

11. As it is clear that it is within the authority’s area, the only question for the committee is whether the land nominated is of community value, as defined in the Localism Act and reproduced in paragraphs 2 and 3 of this report. If the land is considered to be of community value, listing is mandatory.
12. As the proposed listing relates to a former use, the first part of the test for listing is that there has been a time in the recent past when an actual use⁴ of the land furthered the social wellbeing or social interests of the local community.
13. If the first part of the test is fulfilled, the committee would need to consider whether the second part of the test for listing is also fulfilled. The second part of the test is whether it is realistic to think that there is a time in the next five years when there could be a use of the land that would further (whether or not in the same way) the social wellbeing or social interests of the local community.

THE FIRST PART OF THE TEST

14. The first part of the test for listing is that there has been a time in the recent past when an actual use of the land furthered the social wellbeing or social interests of the local community.
15. The only use of the land in the recent past is as an airport terminal. The question is therefore whether that use furthered the social wellbeing or social interests of the local community.
16. An airport terminal is a building at an airport where passengers transfer between ground transportation (including as a pedestrian) and the facilities that allow them to board and disembark from aircraft. Like other terminals, the Blackpool Airport terminal building was divided between “groundside” and “airside”. As well as check-in, security and baggage retrieval, modest passenger facilities, such as cafes, bars and shops were provided on both sides.
17. The arguments in support of listing put forward by the nominating group centre around the desirability of maintaining a terminal building to ensure that the airport could be used for international flights in the future.

⁴ Ancillary uses do not count.

18. Having an airport in the area capable of accommodating international flights arguably furthers the wellbeing of the local community (subject to any counter-arguments around noise and environmental impact). However, the wellbeing furthered by the local availability of international flights is properly characterised as economic and logistical, rather than social. There is no suggestion, for example, that the parts of the local community travelled together socially on international flights, or used the facilities of the terminal as community facilities.
19. This analysis suggests that the first part of the test for listing is not satisfied and that the terminal building ought not to be listed.

THE SECOND PART OF THE TEST

20. If (but only if) the committee disagrees with the analysis above and considers that the first test for listing is satisfied, it should then go on to consider the second part of the test. The second part of the test is whether it is realistic to think that there is a time in the next five years when there could be a use of the land that would further (whether or not in the same way) the social wellbeing or social interests of the local community.
21. International flights at the airport ceased in October 2014. It is understood that the classification of the airport has now been downgraded so that it is only able to operate a limited number of commercial flights for light aircraft, along with private charter flights. The owners of the airport have applied for planning permission⁵ for the demolition of the terminal building and its replacement with a two-storey college building. The college would be a sub-regional facility providing specialist skills training for the energy industry. Ministerial announcements have made it clear that the college is anticipated to form a key anchor unit within the Blackpool Enterprise Zone⁶.
22. The demolition of the terminal and establishment of the college as a centrepiece of the enterprise zone appears to be the settled intention of the owners and have the support of key local and national policymakers. The terminal building has already been unused for seventeen months. This analysis suggests that it is not realistic to think that there is a time in the next five years when there could be a use of the land that would further the social wellbeing or social interests of the local community, and that the second part of the test for listing is not fulfilled.
23. If the committee considers that either of the two parts of the test for listing are not fulfilled, they should decline to place the land on the council's list of assets of community value.

IMPLICATIONS	
Finance	<p>The listing of land can give rise to a claim for compensation from the owner of the land if he has 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. However, the possibility of a compensation liability is not a ground which the council can take into account in deciding whether to include land on its list.</p> <p>The Council is liable for any compensation payment that</p>

⁵ The application was due to be considered by the Development Management Committee on 10 February, after this report was written. A separate planning permission for the demolition of the terminal building has already been granted.

⁶ See, for example, the Northern Powerhouse Minister James Wharton in "*New Blackpool Enterprise Zone to Light Up the Northern Powerhouse*" at www.gov.uk/government/news/new-blackpool-enterprise-zone-to-light-up-the-northern-powerhouse.

	may be required to be paid to owners of properties in the circumstances described above up to a limit of £20k in any financial year, with any compensation above this level being met by central government. In recognition of this new potential burden the Council has received grants from central government in the total sum of £30k. A Community Right to Bid/Challenge Reserve was created to set aside this grant to fund the costs of any future compensation that might be payable under the scheme.
Legal	The owner of land can require a review of the decision to list his land. A review must be carried out by an officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed. The result of the review can be appealed through the tribunal system
Community Safety	None
Human Rights and Equalities	The Government considers that the system for listing assets of community value is compatible with the European Convention on Human Rights
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	See the comments under 'Finance'

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Letter and attachments from Mr R Blower	25 January 2016	Town Hall, St Annes
Community Right to Bid: Non-Statutory Advice Note for Local Authorities	October 2012	www.gov.uk/government/publications/community-right-to-bid-non-statutory-advice-note-for-local-authorities