

HOLME VALLEY LAND CHARITY PRESS STATEMENT

The Management Committee of the Holme Valley Land Charity would like to correct inaccuracies contained in an article which was published in the Huddersfield Examiner on 24 November 2014. This article followed the Land Charity's submission of an outline planning application for a site at Sude Hill, New Mill and objections from some local residents. The Management Committee wishes to respond, by stating the facts, as follows:

The Land Charity is seeking to investigate whether planning permission could be granted to build two much-needed affordable homes. Planning consent has been previously granted for a single detached house on this site.

The land does not belong to the Church of England; Holme Valley Land Charity is the registered owner with the Land Registry. From records held in Kirklees Council planning archives, the Diocese of Wakefield received conditional planning approval (application no. 88/60/06862/C3) for the development of one large detached dwelling. However, it subsequently came to light that the Church did not own the site so the application was not pursued.

It is not correct to say that residents have "lost the land", nor that the site is a "community amenity". The land may have been used occasionally and without permission for parking (by residents and their visitors, or visitors to the church, nearby mill and auction rooms) for some time, but they have not lost the land because it never belonged to them. The land is not a public or community amenity and, in the last 15 years (at least), the site has not been used for church fetes or Christmas fairs.

The other piece of land at Sude Hill owned by the Land Charity is currently used as a car park. There are no plans to develop this land, as explained at the public meeting which was held at Holmfirth Methodist Church on 22 July 2014. However, if other parts of the site are not developed, the site as a whole would remain a very expensive car park. This would not be in accordance with the Land Charity's Scheme and obligations, the object of which is "to promote such charitable purposes for the general benefit of the inhabitants of the parish of Holme Valley as the Trustee thinks fit". The Trustee must, therefore, do what is best for the Land Charity - and all residents of the Valley.

No mention has been made of the Land Charity's own consultation process, before the outline planning applications were submitted. The public meeting on 22 July 2014 was the third in as many years, the purpose being to publicise the Trustee's proposals on three sites where development potential was being pursued, as detailed on the Land Charity's Action Plan.

A week before the public meeting, a leaflet drop was made to properties in the vicinity of the three sites, to invite adjacent home owners to give their views on the proposals. The public meeting was well publicised through the Land Charity's website and the local media, and all Parish Councillors, Kirklees Councillors (Holme Valley North and South) and the local MP were invited, together with representatives of the British Mountaineering Council with whom the Land Charity is currently negotiating a lease on the majority of the site at Cliff.

The Land Charity's proposals regarding the sites to be developed were on display at the public meeting, together with details of its last independently examined accounts (to 31 March 2013). The meeting was reasonably well attended and no specific planning issues were raised.

The Land Charity was not "set up to sell plots of land"; the object of the Land Charity is provided above in paragraph 5), and the funds accrued from current disposals and tenancies have grown considerably since the Land Charity was established. The Trustee has recently announced details of grants available, to support land or environmental based projects especially those of an educational element. The deadline for applying for part of the first tranche of £10,000 is 31 January 2015. Further details are provided on the Land Charity's website.

Professional advice has always been sought on any disposals of land to ensure legal requirements have been complied with and that the disposals have been in accordance with the Land Charity's Scheme; this legal document, approved by the Charity Commission, sets out the details of the power of disposal, together with the Charity's purposes and how it is administered, and the future of 23 of the 27 plots

registered (on 26 titles) has now been determined. Two of the sites on the Action Plan are now tenanted and three sites are being retained for the benefit of the community, together with the majority of one of the complex sites (Cliff) which will eventually be leased to the British Mountaineering Council for them to manage that part of the site. At the recent public meeting, it was also publicised that other parts of the site at Cliff would be offered for sale to neighbouring property owners. Two sites on the Action Plan still have complex issues to be resolved and the development potential of the other two is now being pursued.

The Land Charity has not been “forced to give several plots back”; to ‘give back’ implies that the sites must have been owned by others in the past and that was not the case. Sites held in Trust by the Land Charity were all previously unregistered pieces of land. For many years, prior to 6 January 2009 (when the Land Charity was established), the Parish Council and its various committees worked with Solicitors acting on its behalf and different departments of the Land Registry, to register the land. Approximately 50 sites were on the original list to be registered, but this was reduced to 27 plots once further professional and legal advice had been sought, and negotiations had been concluded with various third parties/adjacent landowners. The Land Registry had accepted the registrations, on the basis of professional/legal advice received and evidence provided.

Further advice was also provided by the Charity Commission and legal advisors on the setting up of a charity to determine the longer term future of each site registered. Following completion of the land registrations, the Land Charity was established and the sites transferred from the Parish Council (as a public body) to the Land Charity.

The legal process regarding the disposal of sites and sale of land is never easy, but the Parish Council - as a public body and in its capacity as Trustee of the Land Charity – has always sought legal advice where necessary and then followed that advice on the decisions it has taken. All actions were taken in good faith but, on occasions, the Land Charity has found that land has been registered in error, and has therefore attempted to rectify the situation as effectively as possible.

The Land Charity has not “lost three legal disputes”; the Trustee has accepted that others have had better title over some of the plots of land but, with the exception of one particular site, all of these were settled amicably and out of court, without the need for a legal process.

The Land Charity has not been investigated by Trading Standards and all communications regarding Freedom of Information matters were between the Information Commissioner and the Parish Council (as a public body) and not the Land Charity.

Despite criticism aimed at the Trustee in the past, the Land Charity is not a ‘secret society’. During the process to determine the longer term future of the various sites, client confidentiality has had to be maintained throughout. Many sensitive issues have had to be dealt with, not just regarding the complexities of the individual sites, but for legal reasons or because of the personal circumstances of those interested third parties involved.

If you wish to know more about the way the Trustee and its Management Committee operate, or would like to influence future decisions on how the funds raised by the Land Charity are spent, why not join the Parish Council? As the Parish Council is the sole corporate Trustee of the Land Charity, Parish Councillors become members of the Trustee by dint of being elected Members. The Parish Council currently has one vacancy (in the Wooldale Ward) and all 23 seats will be up for election on 7 May 2015. If you are interested in standing, please contact the Clerk to the Council on 01484 222462 or by email on clerk@holmevalleyparishcouncil.gov.uk for more information.

Sally Barber
Secretary to the Trustee
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Holme Valley Land Charity
Registered Office: Suites 3 & 5, Victoria Court, 91 Huddersfield Road, Holmfirth HD9 3JA
Tel: 01484 822486. Website: www.holmevalleylandcharity.org.uk
Email: holmevalleylandcharity@ssbuk.com