

Executive Summary

of the Blacknest Fields Working Group

Evidence Dossier



1.1 What's the remit of the Blacknest Fields (BNF) Working Group (WG)?

The BNF WG was set up after the 2018 parish assets survey, which include 8 acres of land at Blacknest Fields ('BNF'). BNF is located east of C98 Blacknest road, at postcode GU34 4PZ, grid reference 51.169824, -0.861377. It lies within the South Downs National Park.

The WG's remit is to "**recommend** how Binsted Parish Council (BPC) land at BNF can be used to generate best value for the parish community, for BPC's decision." The final decision on how the land is utilised rests with the parish council.

1.2 What is meant by '**generating best value for the community**'?

Binsted Parish Council (BPC) wants all parish council assets to '*earn their keep*' in terms of community value. Such value generally lies in assets' contribution to the parish's social, cultural, or ecological wellbeing, rather than in financial terms. In choosing how to develop BNF, BPC must consider the needs of our local communities post-Covid, and the climate and biodiversity crises, as well as its own (limited) resources. The WG notes that:

- Blacknest Fields was acquired for the community, to assist the 'labouring poor', at a time of great change of social and economic upheaval during the mid-19th Century Inclosures.
- The current pandemic prompts us to re-think our future community needs, and to re-imagine how the council's 8 acres at Blacknest might best be used to meet social needs.
- Environmental concerns, notably climate change and biodiversity loss, also require us to re-think traditional land use, increase flood resilience, address species loss, and so forth.

1.3 Why has this Dossier of Evidence been compiled?

This Dossier aims to provide a robust, unbiased body of evidence on which BPC can confidently base its decisions, drawing all information about the site's history, legal status, current condition, and potential uses into a single document that can be easily shared.

- **Sections 1-7** analyse the site's history, legal status, physical and ecological condition, based on expert opinion gathered from a wide range of sources.
- **Sections 8-9** explore potential uses for the site, and the WG's views on these ideas.

Overall, the Dossier is framed as a series of questions, which seeks to clarify five key points:

- Is BPC meeting its BNF obligations? (public access, trees, drainage, fencing)**
- Is BNF an ecologically valuable site, or 'just another grazing field'?**
- What potential uses could the site serve?**
- Should the site be retained or sold?**
- What 'next steps' are now needed?**

1.4 What process has the WG followed to develop this Dossier?

Considerable research has been undertaken, to fill knowledge gaps, notably about BNF's legal status. The compilation process has also produced useful debate of community needs.

- The WG has met five times, most recently by Zoom in January 2021:
- January to April: the WG Chair led research to fill knowledge gaps, searching archive records and gathering information from a wide range of sources. WG members contributed ideas on site use (Appendix J); and identified omissions/errors in the Dossier.
- In April: WG members completed a Survey Monkey survey to rank the relative attractiveness of the site uses that were suggested, as reported in Section 9.
- In May, the Charity Commission provided legal advice on BNF's legal status. SDNPA and Hampshire Wildlife Trust made site visits; and bat and hedge surveys were undertaken.

1.5 The WG has now reached conclusions on its 5 key questions:

Question (1): Is BPC meeting its BNF obligations?

Short answer: No. Although BPC meets its legal obligations for bridleway access, drainage and fencing, the big game changer is discovering that the Recreation Ground is a registered Village Green, to which the public must have access for 'recreation and enjoyment'.

In more detail: Section 3.3 discusses the legal background. The obligation could be met:

- a) By opening 3.6 acres of the BNF site, and reducing the area let for equine grazing; or
- b) By selling the Recreation Ground and buying a new site that is *more* convenient and beneficial as a Village Green than the original (Section 3.3.1).

Option (a) is recommended. Option (b) would require significant investment. Land that's *'more convenient and beneficial'* would cost more than the land at Blacknest.

A further issue is that BPC's financial reporting to the Charity Commission is not fully compliant. The Charity Commission has suggested ways to improve this (Appendix B.)

Question (2) Is BPC ecologically valuable, or just another grazing field?

Short answer: Ecologists who visited the site advise that BNF is ecologically valuable, with four things that are particularly 'special' about it, in ecological terms:

- (i) Its woodland edge, mosaic habitat, adjacent to the Alice Holt Forest SINC.
- (ii) Its location in the wider landscape, that makes it an important wildlife corridor;
- (iii) As lowland grassland, it is a valuable open habitat and a priority for conservation;
- (iv) Its near-veteran oak trees, and other flora and fauna in the Allotment Gardens.

Additionally, visitors to the site have commented that BNF has a nice 'feel':

"There's a lovely sense of place there, I could spend the day!"

In more detail: Section 7 discusses these ecological aspects, and reviews BNF's trees, hedges, bats and other wildlife recorded. The key point is that BNF (the Allotment Gardens in particular) has potential to be a real wildlife haven if the habitat is sensitively managed. BNF is 'wood pasture', a particularly diverse and ecologically rich habitat that occurs where old meadows lie adjacent to semi-natural ancient woodlands; and it is possible that the Blacknest area may possibly be *'ancient wood pasture'*. Alice Holt was a Royal forest and medieval deer park, and the Blacknest meadows were clear of woodland before 1852. Sections 7.5 and 7.6 identify opportunities to improve BNF's ecological condition and climate resilience. Table 7 shows that some simple management changes can be made at near-zero cost, even with BNF's current use (grazing). Other changes require more significant volunteer effort and/or grant funding, such as adding hedges, wildflower meadows, or a wildlife pond.

Question (3): What potential uses could the site serve?

Short answer: The WG identified 19 site use options, including sale (Table 1). The WG thinks the best options involve developing BNF as halt for walkers, place for nature and community greenspace.

In more detail: The 19 options are listed in Table 1, and fully discussed in Section 8. They comprise 11 main options, plus 9 separate sub-ideas associated with natural outdoor community space. Hybrid options are also possible, by ‘zoning’ the site to allow different uses on separate parts of the site, and/or using site areas to fulfil multiple uses. Table 1 summarises WG members’ responses to a survey on the relative attractiveness of the 19 uses. The preference is for low-key activities, accessed by foot/bike, not by car.

	Table 1: WG’s views on relative attractiveness of site uses	Mean Score*
1	Enhance BNF as a halt for walkers (no parking)	4.13
2	Wildlife enhancement (pond, flowers, trees, etc) (no parking)	4.07
3	Community - natural playground (no parking)	3.93
4	Community - permaculture and foraging (no parking)	3.67
5	Community - stargazing (no parking)	3.60
6	Community - tree seedling nursery (no parking)	3.53
7	Community orchard (no parking)	3.33
8	Register BNF on register of land for Biodiversity Offsetting	3.33
9	Community wood hub (e.g. beanpoles, men’s shed) (no parking)	3.07
10	Equine grazing on part or all the site	2.93
11	Community - forest school (with parking)	2.80
12	Community - Roman Pottery kilns interpretation (no parking)	2.80
13	Community - Green social prescribing (no parking)	2.53
14	Commercial forestry, by prof mgt company on BPC's behalf	2.07
15	Leasing or selling the site for farming (with vehicle access)	2.00
16	Restoring the sports pitch (with parking)	1.87
17	Sell part of land to a Community Land Trust - affordable house	1.67
18	Change of land use to allow Riding Stables (with parking)	1.60
19	Sell part of BNF land and buy a larger Village Green elsewhere	1.13

Note: * mean score is computed from Survey Monkey responses from 15 Working Group respondents, using a 5-point scale, in which 5 = ‘Brilliant idea’ and 1 = ‘Terrible Idea’.

BNF has a greater potential for local community use than might be expected

- **It is surprising that such a high percentage of Binsted parish residents live near BNF:** 30% live within a one-mile radius; 55% within a two-mile radius; and approximately 100 further people work at nearby Blacknest Industrial Estate (Section 2.4).
- **Bridleway 41 provides important community access**, linking BNF with the Bucks Horn Oak community and the local Rights of Way network, including the path network around Alice Holt Forest. Fixing the bridleway’s dire surface condition is agreed to be a top priority (Section 4.1): we are delighted this will be undertaken in Summer 2021.
- **There seems scope for BPC to work collaboratively with local residents and workers** to develop the site as a community asset, particularly if BPC proactively ‘introduces’ them to this currently unknown site, although any publicity should be deliberately low key.

The community value of access to nature and recreational greenspace

- **In the pandemic, many of us have become more aware of our local greenspace.** We have also become more aware of inequalities, and of issues like mental health and

isolation. We need to consider that home working, more flexible working patterns and community collaboration may have permanently increased in importance.

- **In terms of providing relief to today's 'labouring poor':** there are local instances of poverty (in Binsted parish and in Alton and Bordon). Young people face particular stresses about jobs and affording housing.
- **Access to nature is recognised as vital for everyone's physical and mental health** – it is also increasingly recognised for providing a useful starting point for interventions for people in various forms of crisis, of all ages and backgrounds. In Section 8.9, this Dossier explores the potential that greenspace at BNF might be able to play in community wellbeing – for example, in discussions about Green Social Prescribing (Section 8.9 (ix)), Permaculture (Section 8.9 (iii)) and Community Wood Hubs (Section 8.9 (vi)).

Question (4): Should the site be retained, or sold?

Short answer: The WG's strong opinion is that BNF should be retained, not sold.

In more detail: Both the Recreation Ground and Allotment Fields are highly constrained by their legal status, as detailed in Section 3. The Charity Commission has advised that: any sale would involve a complicated legal process; generate little income; and in fact could require an investment of funds to be made.

- **The Recreation Ground** is an asset of 'Holt Pound Recreation Ground' registered charity (#301743) and must be used for the charity's stated purpose, namely: "*to provide a place of exercise and recreation for the inhabitants of Binsted and neighbourhood.*" It is ALSO a registered Village Green that cannot be sold unless it is de-registered by the Secretary of State and various tests met, including provision of exchange land at least as big as the original green and more convenient and beneficial. The process for the latter is complex. Such an exchange would *require* significant investment, rather than *generating* funds.
- **The Allotment Gardens** are also assets of 'Holt Pound Recreation Ground' registered charity (#301743). This fact was, until now, completely unknown. 'Holt Pound Recreation Ground' (#301743) is one charity, but holds Recreation Ground and Allotment Gardens on different trusts. The latter are for the (labouring) poor and do not have recreational trusts attached. The Charity Commission has updated its Register of Charities to clarify that the Trust has both objectives (it previously recorded only the recreational trust).

The Charity Commission has advised (Appendix B) that any change in the purpose for which either parcel of land is used needs their approval: "*If the land can still be used for its original purposes, this use should continue. If the purpose for which land is used needs to be changed, the Charity Commission can consider making a Scheme to amend the charity's purpose ... and if a cy près¹ occasion has arisen which means the land cannot be used for these purposes anymore, the Scheme can include the power to Sell.*" To apply for a Scheme for amendment or sale, the council would need to:

Hold a public consultation on the change of use,

Vote on the change of use with the necessary Council quorum, and

Advise if the proposed change has met any opposition or controversy; plus

Any sale would need to comply with the requirements of 2011 Charities Act.

Any sale proceeds will be Permanent Endowment, where the proceeds are held as capital and only the interest earned on this capital can be used as income. Full details are given in Section 3. Any proceeds must be spent on the charitable objective.

¹ Cy près is a legal term, which describes a judicial decision, when the original action cannot occur, to allow an alternative that comes as close to the original intention as the law permits.

BPC finances are in good order. If improvements are desired elsewhere in the parish (e.g. other community greenspace), BPC has a good track record of raising grant funding.

WG members are overwhelmingly opposed to selling/leasing the site. All 'sale' options received the lowest scores in April's survey on the relative attractiveness of 19 potential site uses, (Table 1). Selling land is an irreversible act, that removes future generations' opportunity to use it. Keeping the site retains flexibility to develop future community activities, or to sell the land, should this become necessary. Most WG members feel it would be un-acceptable to sell land to bolster council reserves for as-yet-undefined projects; and unwise to play one part of the parish off against another. Some WG members are committed to robustly opposing any sale if, for example, a public consultation about this was held.

Question (5): What 'next steps' are now needed?

Short answer: A July vote to take BNF sale 'off the table' and a clear plan by December.

In more detail: The WG has now been in place for three years. Everyone recognises that the local community urgently needs clarity on what the council is going to do with BNF. To resolve this uncertainty for parishioners, BPC must take clear and decisive action.

As continuing the Status Quo is not an option, BPC itself also needs to reach decisions about how to fulfil its obligation to provide public access to the Recreation Ground at BNF.

The WG strongly believes BNF should not be sold and recommends that BPC votes, in July, to take the sale option 'off the table'. This will assist the evaluation of remaining options.

The WG obviously hopes BPC will agree with its recommendation NOT to sell. However, regardless of its decision, the WG urges the council to agree a definitive future plan for BNF. The WG suggests the same approach is used to develop a forward plan, irrespective of whether BPC votes to sell or to retain BNF. Specifically: by mid-December, a clear, costed Development Plan *OR* a Divestment Plan should be agreed, through the approach in Table 2. If no Plan is in place by that date, BPC should revisit its sale vote decision in January 2022.

Table 2: Proposed next steps towards an Action Plan for BNF

In June (date tbc), the WG will present the BNF Dossier (by zoom), to BPC and any interested members of the public. The purpose of this briefing is simply to share the finalised Dossier, ahead of the BPC's July vote. The presentation will give an opportunity to ask questions about information in the Dossier (but not to debate the merits or otherwise of the potential site uses.)

At 6 July BPC meeting, WG will present a motion not to divest the BNF site, on which the BPC will vote. This motion has the three aims:
(i) to bring closure to local residents, on long-running concerns about a potential sale;
(ii) to shorten the options list, so BPC can focus on evaluating the remaining options;
(iii) to enable parishioners and partnership organisations (SDNPA, EHDC, local wildlife organisations, etc) to engage with BPC to shape future site plans. [Positive links have been developed with external organisations during compilation of this Dossier but, unless the 'sale' option is removed, this impetus for new partnerships will be lost: prospective partners will not risk further engagement without a clear signal that BNF is not to be sold.]

At August BPC meeting, a 'BNF Routemap' will be presented:

If, in July, the council voted not to divest the BNF site, the BNF WG will present a 'Development Routemap,' clarifying a timetable to firm up the development proposals, timings and costings, which will include a recommendation (for BPC's decision) on whether the current grazing contracts should be continued (decision needs to be taken in August.)

If, in July, the council voted in favour of divesting the site, it will have appointed a BNF Divestment WG which will, in August, present a 'Divestment Routemap' that clarifies the next steps, including the appointment of legal counsel and the timetable for public consultation on the proposed Scheme for Change of Use & Sale.

By 15 December, a clear, costed Development Plan OR Divestment Plan must be agreed by BPC. If no such plan is in place, BPC will revisit the sale vote decision at its January 2022 council meeting.

Blacknest Fields: 8 acres in total

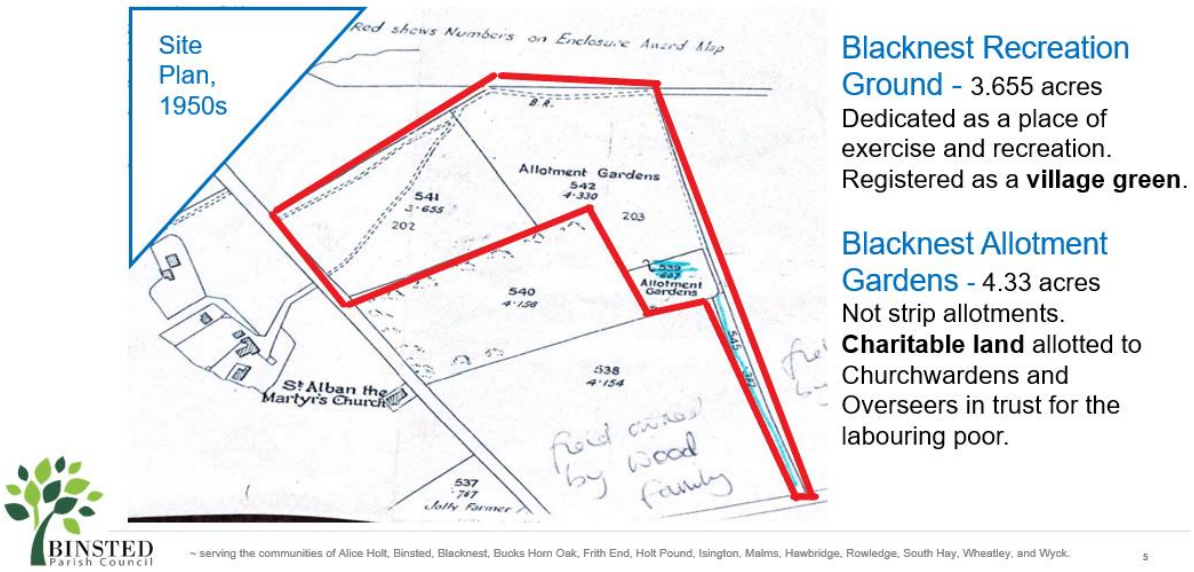


Figure A: Site Plan, from a 1950s map.



Figure B: Site Zones (Note – The Path Strip (southeast of site) is not included in this diagram).

The full Evidence Dossier contains the following content:

- 1. Executive summary**
- 2. Introducing this 'forgotten asset'**
- 3. Blacknest Fields ('BNF') history and legal constraints**
 - 3.1 Blacknest in bygone (Victorian) times
 - 3.2 How did BPC acquire its land at Blacknest Fields?
 - 3.3 Blacknest Recreation Ground: Could it be sold? What can the land be used for?
 - 3.4 The Allotment Gardens: Could they be sold? What can the land be used for?
- 4. Rights of Way, access, hedges and fences**
 - 4.1 The importance of Bridleway 41
 - 4.2 Is BPC fulfilling its Rights of Way obligations? What could improve this?
 - 4.3 Lost footpaths – should they be reclaimed?
 - 4.4 Is BPC fulfilling its Village Green access obligations? What could improve this?
 - 4.5 Is BPC fulfilling its hedge and fence obligations?
 - 4.6 Car parking – should it be provided at BNF?
- 5. Drainage and flooding**
 - 5.1 What drainage and flooding issues affect BNF?
 - 5.2 What could improve BNF's drainage and flood resilience?
- 6. Is BNF ecologically valuable, or just another grazing field?**
 - 7.1 BNF is ecologically valuable.
 - 7.2 BNF's woodland edge mosaic habitat
 - 7.3 BNF's role as a wildlife corridor
 - 7.4 On-site biodiversity assessments
 - 7.5 Opportunities to improve BNF's ecological condition.
 - 7.6 Opportunities for carbon sequestration and climate resilience
- 7. Potential uses for BNF**
 - 8.1** As a halt for walkers
 - 8.2** Sports pitch
 - 8.3** Sale of land
 - 8.4** Commercial forestry
 - 8.5** Equine grazing
 - 8.6** Riding stables
 - 8.7** Wildlife conservation area
 - 8.8** Farming
 - 8.9** Community greenspace (with 9 sub-options)
 - 8.10** Designation as a SANG (Suitable Alternative Natural Greenspace)
 - 8.11** Biodiversity offsetting
 - 8.12** Hybrid options
- 8. Parishioners' views**
 - 9.1 2018 Asset Review survey
 - 9.2 Views of Working Party members
- 9. Conclusions and Recommendations**

Appendices: Correspondence, records, maps and photographs (contents listed overleaf)

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A - Land Registry Title plan and Conveyance

B - Advice from the Charity Commission

C – Advice from Hampshire and IoW Wildlife Trust

D - Old maps

E - Binsted parish population in relation to BNF

F - Rights of Way maps

G - Biodiversity Records from HBIC

H - Maps from Alice Holt Forest Plan

I - Other Biodiversity maps (MAGIC and Buglife B-Lines)

J – Parishioners' views

K - Photographs of the site

L – On-site Biodiversity Survey observations

M- Requirements for SANG (Suitable Alternative Natural Greenspace)

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Prof Andy Moffat, EHDC Tree Warden Co-ordinator

Rob Simpson, of Bentley Wildlife Group

Barry Clarke, of Froyle Wildlife

Gareth Hurd, Alton and Villages Local Action for Nature (AVLAN)

Old maps e.g., www.promap.co.uk or www.old-maps.co.uk

MAGIC and other online maps/resources such as Google Earth Maps.