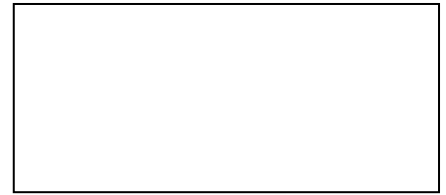


# Leafy Lane Playing Fields

Registered Charity No. 1062013



10<sup>th</sup> June 2015

Economic Development & Planning  
Wiltshire County Council  
Monkton Park  
Chippenham, Wiltshire  
Ref.2015/0014



Dear Simon Day,

As a Trustee and Treasurer of the Charitable Trust Leafy Lane Playing Fields Ltd, I have been nominated on behalf of my fellow trustees and the committee members of Leafy Lane Playing Fields Ltd. to write to you in opposition of the application, dated 19<sup>th</sup> May 2015, to list as a community asset, the woodland, referred to as Leafy Lane Wood, which is presently owned by the charitable trust.

Our first objection is that we query this group's legitimacy on making an application for a community listing for the land known in the application as Leafy Lane Woods. Going by the information provided on the application details sent to us, The Springfield and Clift Close Residents Association do not appear to be eligible to apply for the community asset listing.

As such we question whether they meet the requirements under The Assets of Community Value (England) Regulations 2012 as follows;-

Section 5

C) an unincorporated body-

- (i) whose members include at least 21 individuals, and
- (ii) which does not distribute any surplus it makes to its members:

We have two questions we put to the council regarding their legitimacy;

1. Is the Springfield and Clift Close Residents Association an informal or formal association?

If it is an informal association it has no official accounts, constitution or other rules governing a formal association, as such does not meet the requirements of section 5 meaning the group does not have the required status for which it needs to make an application.

If the association is a formal association, they should be able to prove to the council when it makes an application that it has 21 registered members and holds yearly audited accounts which can be produced when required.

2. Have you evidence The Springfield and Clift Close Residents Association fulfil the requirements as in Section 5 of the regulations?

If the council has no evidence in relation to section 5 the application for community asset listing of Leafy Lane woods should be denied and closed forthwith, as allowing their application it would be against section 5 under The Assets of Community Value (England) Regulations 2012.

Next, in the application Leafy Lane Playing Fields Ltd's Charitable status "*To advance & improve the education & physical, mental & social well-being of the community by the provision of sporting & recreational amenities, grounds & facilities of all kinds*" & "*To provide for the inhabitants of Corsham & surrounding areas in the interests of social welfare facilities for recreation & leisure time occupation with the object of improving their conditions of life*" was referred to by the applicant, in order to try to discredit

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us as a charitable trust, due to being displeased with the Charities Commission's response on their enquires regarding the woodland sale, the applicants The Springfield and Clift Close residents association do not from their statement have any concept of what Leafy Lane Playing Field Ltd actually provides for the community.

As such we would like to put the record straight regarding our charitable status, in relationship to the woodland area in question and the reason for selling.

As a Charitable Trust, the trustees and committee work wholeheartedly on a fully voluntary basis in fulfilling our key aims, the provision for the needs of the local community and surrounding area, within which our commitment to equality and social inclusion is key. The charity provides at present in relation to our charitable status a home ground for AFC Corsham youth football club; adult Sunday League football teams; youth and adult cricket teams and a Rugby League team. Adding to this Slimmer's world meets weekly (some attending through doctor's referral) in the club house, a local scouting group uses the grounds to hold camps and other events, the M.O.D. uses the ground, a local running club use Leafy Lane Playing Fields for the start/finishing point of a yearly running event they host and local children have parties within the club house and on the astro, whilst local families can be regularly found taking advantage of the open space to play games and enjoy picnics on sunny days. These sporting, recreational, social and health related activities are all carried out within the area marked green on Appendix 1. As can be seen from above the grassed areas, 3G astro and club house provide the charity with all the facilities and amenities it needs to fulfil our charitable status and our core aims as a charitable business providing for the community, without needing the use of the woodland. We are sure you will agree that the charity Leafy Lane Playing Fields Ltd does wholly fulfil its requirements towards the community, which Wiltshire County Council have been of great support to us, for which we are thankful.

The woodland area on the other hand, which the applicant wishes the council to list as a community asset, marked in red on Appendix 1, does not provide any community asset in regards to fulfilling requirements of a community asset (as listed further) nor does it provide the amenities for the local community towards fulfilling our duty under our charitable status. The decision to release capital by selling the woodland area was taken after much discussion. Leafy Lane Playing Fields Ltd finally decided that as the woodland area was not part of our core aims, nor did it have a need within the community, the selling of the land was only the way forward for the charity to progress.

After fulfilling our duties under the Charities Commission, the woodland's sale on 14<sup>th</sup> May 2015 was advertised for a month within the local newspapers, online and via a noticeboard on the land next to the main road. Unfortunately we had to postpone the sale initially due to delay in the legal process. Although we would be in our legal rights to sell before you decision we have decided to wait upon your decision before selling, so keep harmony within the community.

Our biggest concern though is the threat to the future of the charity Leafy Lane Playing Fields Ltd, if the land does become listed as community asset it has the potential of not allowing us to release the much needed finances as quickly as required, could devalue the land or deter people from purchasing thus affecting the charity's long term and continuing contribution it provides within the community and surrounding area, there is a real concern the charity does not have the present finances in order to carry out vital work needed to secure its future, which the selling of the woodland would.

The Charitable Trust Leafy Lane Playing Fields Ltd does not believe the woodland area, marked in red appendix 1, meets the requirements needed for this parcel of land to become listed as a community asset. To formulate our argument in opposition we have used a council's checklist for assessing whether an area meets the council's requirements needed under a community asset listing, to evaluate if the woodland at Leafy Lane is deemed as a community asset.

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As mentioned earlier there are also frictions between the various small groups within the community. The concerns here are, should the woodland become listed as community asset the applicants, though having no legal rights, would see this as a means to have control over the area thus creating more tensions between locals, should the applicants ever have a say over the woods through purchasing it there would be no one ie in the form of a private owner, as we have done, who could intervene between rival community groups. The Local Parish Council as we have found through the culling incident are no help when it comes to dealing with community rivalry.

## ***Are there any tensions about other issues which 'play out' within this space?***

Yes, there are and have been tensions.

The area is being mistreated by local residents from within the community in using the woodland as their local dump to dispose of garden and household waste. On two particular occasions household waste, after being dumped within the woods, was given back to the local resident, now a Box Parish Councillor, as we found the rubbish contained, named and addressed items.

It is private land with no official or authorised paths through or within the woods yet fencing when put to stop accessibility, so it can be used by us safely, gets broken down. Due to this it has open access which can't be policed so dog owner's think they can use it as a dog lavatory leaving their dogs mess behind, feeling as it is only a wooded area so the mess will just disappear. Local youngsters riding horses without any concern for others have been asked to leave as it is not a bridleway and they put others at risk galloping around the area.

## **2. Equality & Social inclusion.**

**Does the asset make any contribution to promoting equality for any of these groups? Or does it have the potential to disadvantage any of them? Groups with protected characteristics (equalities legislation) &/or People vulnerable to social-economic disadvantage.**

No, under the community asset listing it does not meet the above because;-

The woodland area the Springfield and Cliff Close Residents Association want to become listed is on the edge of Rudloe. Rudloe community is made up of largely an area listed by Wiltshire as a high area of deprivation and of military accommodation, the applicants live in a minority of private dwellings, see Appendix 2. This group are not a representative of the community as a whole. Recent events plus complaints from them on who is using the Leafy Lane Playing Fields and glade, it is clear they have strong views on who are or are not acceptable users of the area, ie local children informally camping.

With regards to equality of usage within the woodland if this area were a community asset then the applicants would not be concerned about restricting usage of the area to various groups, this goes completely against equality and social inclusion principals. This is demonstrated by the strong concerns being raised by the Springfield and Clift Close Residents Association with regards to who can or cannot have ownership/usage of the woodland area and using this as their reason for wanting to special provisions put in place so they can purchase the land and have total control.

The applicants have openly voiced their true reasoning's for woodland becoming listed as a community asset, it would appear from the Parish Council Meeting on 28<sup>th</sup> May 2015 their application is not based on woodland being a community asset which if sold the community could lose but one of self-interest and enabling them to act in racial discriminative manner.

A representative of the Springfield and Clift Close Residents Association spoke at the Box Parish Council Meeting on 28<sup>th</sup> May 2015 about their reasoning behind wanting the woodland at Leafy Lane becoming listed as a community asset in order to sway the parish council into voting on supporting the application. It would appear from what was said by the group's spokesperson that the group's ultimate goal was to delay the sale of the woodland purchase, not as it would appear because it is a community asset but to prevent a racial culture group, in the name of Travellers who under The Race Relations Act 1976, and Race Relations

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(Amendment) Act 2000 are a recognised ethnic group, from purchasing the land. The racist views about travellers expressed by the spokesperson shocked me and I have written a letter of complaint to the Parish Council over their dealing with the situation. The spokesperson also related to travellers who had frequented Leafy Lane Playing Fields in the past, but our experience of them is contrary to the spokesperson's viewpoint, they were clean and tidy as commented by the local police and as far as the M.O.D. police were concerned no threat to security. We only had to move them as we could not use the facilities fully but they left happily leaving not a trace of evidence they'd been camped there.

In our view this does not equate to the woodland being seen as a community asset by the applicant's but as a threat to their white middle class lives, which is completely against community assets criteria and not representative of the majority of the resident with the locality.

Also as it stands at present this is a natural woodland as such the charity manages and up keeps the area in accordance with preserving a natural landscape, there are no authorised or official footpaths, Note;- paths on applicant's letter are not extensive footpaths instead are naturally formed breaks between trees. With this in mind as a natural environment it is not accessible to the whole community as difficultly from accessing the area would be hard by those within the community who are wheelchair users or others who are less able, which makes it not inclusive under the community asset listing.

### **3. Health & Well being**

**Does the asset provide services/activities/opportunities through which people improve their welling & health?**

**Does the asset provide services/activities/opportunities which could help maximise the wellbeing of people who belong to vulnerable groups or have long term conditions?**

**Does the asset provide services/activities/opportunities which enable people to build on the skills, strengths, aspirations and networks, so that they can co-produce improvements to their own & others, wellbeing and health?**

No, under the community asset listing it does not provide for the above because;-

The area is a small area of natural woodland which does not provide any activities; linked to fitness, health and wellbeing. As it is only a small area with no paths official or otherwise within the area, the ground is uneven and there are trip hazards from tree roots so it is not a suitable area to get fit in, through running or for long walks. As it is only a small woodland area with no faculties such as benches or open space it is not an area where people generally go socially to meet others.

The area is not frequented by many people, it is mainly used by those who in the early morning and late evening just want somewhere to allow their dog to do their business or as a convenient short cut. Due to the usage by dog owners it has become unhygienic and unsafe, the dogs mess is not cleared up making it not a nice area to be in and with people letting their dogs run freely in a small area, some owners with up to three dogs. Making it unsafe for other members of the public.

### **4. Decent neighbourhood standards**

**Does the asset contribute maintaining or improving the following things? Clean & tidy streets, well maintained parks & green spaces, well lit streets, well maintained roads & pavements, safe neighbourhoods, access to appropriate childcare where it is needed or household waste facilities.**

No, the area does not provide any of the above far from it;

When it comes to decent neighbourhood standards the community treat the woods far from a high standard, the woodland is used as a dumping ground by local residents for their garden waste and household rubbish, some of this has been returned to the owners when addressed items left within in it. The charity trys our best to manage and maintain the woodland in accordance with its natural state. Which is difficult when we regularly have to clean the area of rubbish and mess left by local residents. We

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constantly have to endure complains from the local community about the work we carry out in trying to keep the area tidy and maintained, in order that the woods do not have rotted vegetation and overgrown trees, even when the work we carry out has been given permission from the council.

Surely if this was a community asset the local residents would not use it as a rubbish dump as they would want to appreciate and look after the area. Nor would they be critical of us as a charity looking after and maintaining it as a natural environment.

## **5. A working city**

**Does the asset contribute or engagement/development of local businesses, Reinvesting profits in local area, Investment in education/training, Promote fair trade.**

No, it is not part of a working city because;

Within our core charitable business this area does not meet our needs; no profits are gained from this woodland that can be reinvested into the local community. No other local businesses benefit from the area neither does any educational/training activities take place within the woodland area.

## **6. Uniqueness of asset**

**For any contribution the asset makes to social wellbeing (as defined in sections 1 to 5 above): Is this unique, or do other assets in the same area make a similar condition?**

No, the woodland is not unique within the area it is situated because;

The Springfield and Clift Close Residents Association approached The Woodland Trust asking for them to buy the wood or manage it for the community and were told it was too small for them to be interested in it. In our view this shows, if the area was unique, in the flora, fauna, wildlife or the woodland facilities it offered to the community they would have at least shown some interest in supporting the applicants.

The community in which the woodland is situated is on the edge of a housing area known as Rudloe, within the parish of Box and on the outskirts of Corsham. All these communities are surrounded by open countryside and with ample woodland areas dotted around the location, see appendix 3.

The woods at Leafy Lane are not unique because there are woodlands of a similar size or larger which are open and accessible to the general public, within the local area which provide exactly the same, which have the same listed flora, fauna and wildlife. Some have authorised and official footpaths within them unlike the woods at Leafy Lane, see appendix 3.

When it comes to dog walkers, ramblers, those wanting a gentle stroll or runners, there are numerous official and authorised footpaths which crisscross the open countryside surrounding the local community, all within easy walking distance of where Leafy Lane woods is situated, see appendix 3.

The woodland is not needed for social, recreational and sporting purposes, the local community is provided with all of these by the playing fields, clubhouse, 3G astro, glade and small area of woodland the charity is keeping, see appendix 1. There is a community club, children's play area, school and nursery within the local area which also provides social, recreational and educational faculties directly in the heart of the local community of Rudloe.

So to sum up the woodland has no unique attributes in providing social, recreational, sporting or education within the community, neither when it comes to flora, fauna or wildlife as these amenities are provided and utilised by the local community elsewhere directly within the community or within close proximity to the local community, so to all intense and purposes the woodland has no community asset.

## **Conclusion**

The Charitable Trust of Leafy Lane Playing Fields Ltd oppose the woodland area at Leafy Lane becoming listed as a community asset based on the checklist for deciding its status as an asset because;-

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1. It is not used by the whole community and the community conflicts played out among community members, on its usage and its function.
2. Lack of facilities when it comes to providing for all within society and the inequality demonstrated by some locals on who should use the area.
3. Not an area which provides for health and wellbeing, due to its natural state and usage as a dogs lavatory.
4. Mistreatment and abuse by local community, fly tipping and dogs mess, community assets should be looked after not abused.
5. Does not create profits which are diverted back into the community or do any local business benefit from it as it stands.
6. Most importantly uniqueness, there are plenty of woodlands within the area only which re only short walks away, flora and fauna within the Leafy Lane woodland can be found in other woods and the surrounding countryside surrounding this community, hence The woodland Trust when approached were not interested in the area. There are facilities providing social, recreational, sporting or education within the community far better than the woodland could ever supply.

Finally, The Box Parish Council have not until now been interested in the woodland area at Leafy Lane, they have previously been approached by a representative of the charity Leafy Lane Playing Fields Ltd asking if they were interested in taking on the woodland at Leafy Lane. The Box Parish Council showed no interest in the area then, nor has since. They do not support Leafy Lane Playing Fields Ltd with the managing of this area in any way nor in the charity as a whole though we are providing through the playing fields facilities which they financially cannot provide for the local community.

Had this area been of community value would not the Box Parish Council have wanted to or shown support in the past. Please note that though you may have received notice from the Parish Council of a vote taken on the 28<sup>th</sup> May 2015 regarding Leafy Lane Playing Fields woodland being listed as a community asset. An objection to the handling of this vote and Box Parish Council's code of conduct on this vote have been called into question by myself, Robert Mullins, who was in attendance at the aforementioned meeting. A letter of complaint, see Appendix 4, has been sent to the chair and clerk of Box Parish Council, which is under review, until their review on their practise during the vote have been completed and Box Parish council has consulted with all interested parties. We in opposition clearly feel that Box Parish Council cannot back either the application for or against the application of community listing for Leafy Lane Woods as such until the above is carried out, we believe their decision under the parish council codes' of practise to be invalid.

Having studied our letter of opposition fully we the Charitable Trust of Leafy Lane Playing Fields Ltd. are hopeful that Wiltshire County Council will refuse the application of community asset listing for the woodlands at Leafy Lane, thus allowing us to quickly move on with the process selling this area, which is surplus to our needs, in order to release the much needed finances, enabling us as a charity to continuing to provide the much needed facilities for the local area for the foreseeable future.

Yours Sincerely,

A rectangular box with a black border, used to redact the signature of Robert Mullins.

Robert Mullins BA Hons  
Trustee and Treasurer Leafy Lane Playing Fields Ltd

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## Appendix 4

Dear M. Lyons

There are some serious points which I as a parish resident wish to take up with you regarding last night's Parish Council meeting on 28<sup>th</sup> May 2015. This letter is lengthy but please make sure you read all it's content as I intend on sending some of the information contained here to Wiltshire Council.

Firstly, I was shocked at your blatant disregard when it comes to racism & discrimination when during public questions the parish council did not intervene or prevent racist & degrading remarks from being voiced openly by a public member.

By allowing the statement regarding Travellers you as chair of the Parish Council allowed racist & discriminating comments to be openly expressed publicly, this is against all rules of council conduct. I am not in anyway implying the Parish Council members are racist as they may have felt intimidated into not speaking out against this person. As the Chair of the council though you have a duty to prevent racist comments within a meeting. As such you had the sole responsibility in stopping this member of public from speaking & following this by expressing on all the council's behalf, that the council did not condone the views expressed by this person. Note in Gordy Merseyside in a Parish Council meeting views in line as those expressed by a member of the public were made, the chair backed these comments & the incident became a police investigation.

Though you did not openly support this person's views, in not stopping the comments from being made nor expressing your opposition to their views, it will be viewed by others the racist claims are condoned by the council.

The seemingly condoning of this public member's racist comments especially applies when the council directly moved on to take a vote on a piece of land to which this public member was referring. Meaning councillors have been given the opportunity to vote on a proposal which now appears to have racist undertone behind it's application. As it has now been demonstrated through this outburst by the group's representative, their ultimate goal appears not to be working on behalf of the community for the woodland at Leafy Lane becoming a community asset to provide facilities or enjoyment, it would ultimately appear the true reason is one of discrimination in preventing others from having the land, who from their racist view point are judged unacceptable & should be kept away from the area. In correction from Leafy Lane's experience of travellers the views expressed by this person over travellers using Leafy Lane are unfounded, in fact the police commented on their tidiness & cleanness, the M.O.D police were informed of the traveller's presence in the area & related there were no issues or concerns over national/local safety or security regarding travellers. Leafy Lane's reason for getting them to move on was because them being camped there was blocking the use of some pitches so the facilities couldn't be used fully.

When it came to voting on the community asset though a letter from the local authority about the application was read out to the Parish Council, compromising issues regarding the application had been expressed by this public member.

In law it is illegal to actively prevent ethnic minorities from having full equality, as such a Parish Council you should not be seen as though you support discrimination & racism. By allowing the opinions to be voiced by a member of the public & not stopping him you have condoned racism, then to vote yes on a proposal on an application made by this person you could be seen as backing a discriminative agenda by a local group.

The Parish Council's own Equalities Policy section 2. has been disregarded at this meeting & the law on which you as a Parish Council should abide by;-

***“The Race Relations Act 1976, and Race Relations (Amendment) Act 2000***

- 20. This Act places a duty on public authorities, including local authorities, to eliminate unlawful discrimination and promote equal opportunities and good race relations. The Act requires local authorities to assess the impact of any proposed policies on all ethnic minorities; and to have due regard to the need to eliminate unlawful racial discrimination,*

*to promote equality of opportunity and good relations between persons of different racial groups. Gypsies were recognised as an ethnic minority in 1989, and Irish Travellers in 2000.*"

Secondly I would like to point out there was no declaration of interest made before voting on Leafy Lane Woods. I know of at least one councillor who has a vested interest "*under Appendix B section (ii) C of Box Parish Council's Code of Conduct Rules*" in the land at Leafy Lane becoming a community asset. This declaration of interest policy is in the Government's "Openness & Transparency on personal interests guide for councillors which includes Parish Councils, this vote was certainly not carried out without openness & transparency.

Thirdly I noted that you said no member's of the charitable Trust Leafy Lane Playing Fields had contacted yourselves. It would have been polite & proper for the Parish Councillors to contact the organisation themselves to ask their view on how this proposal will affect the running & finances of the playing fields, so they had both sides to the argument for & against. It was noted that the group for community asset proposal were allowed to express their views openly, unfortunately Leafy Lane Playing Fields Ltd were unaware of this matter being on the Parish Council's agenda until this week giving insufficient time to contact you & get their voice heard. Also as it's your policy to not allow new information in the form of statements being made in the public forum section nor are views to be voice once the formal meeting starts Leafy Lane's voice has gone unheard. As such an informed discussion was not made prior to voting on making the woodland a community asset as views from other viewpoints were not heard, which again goes against good practise.

To this end there are several reasons why I believe the vote on the Parish Council's backing on the woods owned by the Charitable Trust Leafy Lane Playing Fields Ltd should be declared non-void.

- The vote on Leafy Lane woods having been taken place directly after racist & discriminatory remarks were made by a representative of the application of the proposal meaning the vote had been compromised.
- Member's voting who did not declare an interest, so going against the rules on codes of conduct, by preventing openness & transparency.
- The Parish Council did not take representations from all members affected by their discussion, only one view was heard meaning the council taking a vote on one voice only. So not allowing an informed decision before a vote again going against good practise.

Finally, I advise you to make yourselves familiar with "*The National Training Strategy for Town & Parish Councils, The Good Councillor's Guide*" especially representing the whole community "*Your community, The job of your council is to represent the interests of the whole community. Discovering the needs of different groups in the community (such as young and elderly people) is an important part of your role as councillor. Occasionally there will be a conflict of interest requiring sensitive judgement; for example, dog owners, parents of young children and walkers might disagree about use of the village green.*" Making difficult decisions, in an open and reasoned way, is something that parish councils need to do well.

"• *represent the whole electorate, and not just those who voted for you; listen, and then represent the views of the community when discussing council business and working with outside bodies;*" having read this guide last night's meetings demonstrated a Parish Council who do not do things well but do things for an easy life.

As stated at the beginning of this letter information regarding last night's meeting will be going to the local authority.

Robert Mullins  
Box Resident