

TILEHURST PEOPLE'S LOCAL CHARITY

serving people in need, hardship and distress

in West Reading, Southcote, Holybrook, Calcot, Theale and Tilehurst

TPLC REBUTTAL OF 'KEEP KENTWOOD GREEN' ALLEGATIONS ABOUT THE CHARITY'S FREQUENTLY-ASKED QUESTIONS

Text in black is taken from the website of the Charity ('TPLC') – various questions and answers relating to the Charity and the sale of its land – identified in this document as Q1 to Q22.

Text in dark red italics is taken from the website of the 'Keep Kentwood Green' group ('KKG') – various comments and allegations relating to the Charity – dating from c. 3rd October 2022.

Text in deep blue is provided by the Charity – responses to those KKG comments and allegations, in order to correct inaccuracies and misunderstandings – identified in this document as responses TPLC (1) to TPLC (39).

KKG: *Some questions have been presented to TPLC that have not been addressed:*

- KKG: *Why is there no representation on TPLC's Board from the required Nominated Trustees from Reading Borough Council and Tilehurst Parish Council? Councils do not have 'representation' on the Charity's Board.*

TPLC (1): There are no 'representatives' on the Charity's Board of Trustees. Trustees who are nominated by local Councils must, by law, act independently of their nominating body and act only in the best interests of the Charity and its beneficiaries.

- KKG: *This is a requirement in your governance document.*

TPLC (2): There is no such requirement for a nominating body to nominate a Trustee if that body chooses not to. The question as to why a Trustee has not been nominated by a Council should be put to the relevant Council – it is not for the Charity to answer that question.

- KKG: *Whilst one interpretation is that you might rush a sale through before this representation can be provided, it dismisses the original reason for these Trustees being included (i.e. to represent the views of the public living in those areas and of those councils). This is unconstitutional and undemocratic, given the considerable public opposition from both the public living in those areas and from officials who are part of those councils. By doing so you are seriously damaging the reputation of the charity.*

TPLC (3): The original reason for including Trustees nominated by Councils is not as alleged, since Trustees do not represent anyone else. Refer to the comment at TPLC (1).

- KKG: *Anecdotal evidence is that you have refused people who have been put forward or have tried to insist on your own nominees. This is against the terms of your governance document.*

TPLC (4): Charity Commission guidance (ref CC30) states that "any outside body appointing a trustee to a charity is bound by law to do this in the best interests of the charity rather than its own interests. It may be helpful for the charity to set out for the appointing body what is required of a trustee and any particular skills or qualities which the charity is looking for." The Charity has followed this guidance.

- *KKG: How is Chaney's conflict of interest being managed? You are using them as an advisor (as declared in your governance document and required by law) but also as an agent. As an agent, they would stand to profit from a sale. Their advice would therefore be conflicted.*

TPLC (5): The Charity's governance document makes no mention of advisors. The Charity gives instructions to its solicitors and its qualified surveyors, which may include instructions to provide advice or to act for the Charity in a transaction. Decisions about the sale, renting or leasing of the Charity's land are made solely by the Trustees acting in the Charity's best interests, in accordance with Charity Commission guidance.

- *KKG: After a sale of this land, how would you protect the capital from being devalued by things such as inflation? Or do you expect the long term future of TPLC to be similar to that of the Wheat's Charity (whose assets dwindled to the point that the charity was wound up)?*

TPLC (6a): It is common practice for charities to seek professional financial advice on the management of investment portfolios which include permanent endowment assets.

TPLC (6b): Wheat's Charity of 1731 was not 'wound up', but was merged with TPLC in 1985. Its income derived from a rentcharge of £1.50 per annum from the owners of a parcel of land in Silchester. Cumulative assets of £80.06 transferred to TPLC therefore represented over 50 years' income. Wheat's Charity was not an endowed charity like TPLC, and its assets did not 'dwindle'.

- *KKG: TPLC have sold land in the past under compulsory purchase from the council. That land if sold today, could be worth millions. TPLC do not currently have millions in the bank. The value of money has a habit of depreciating over time. The value of land tends to increase. What justification is there for cashing in the value of the land now, at the expense of the future value of the charity?*

TPLC (7): Refer to the Q&A section below – specifically, questions Q4, Q10 and Q17.

- *KKG: What other options for raising funds or managing the land has the charity considered?*

TPLC (8): The Charity is tasked with making grants to people in financial hardship, funded by income generated from its endowment assets – i.e. by renting, leasing or selling land and by investing the proceeds from past land sales. The Board of Trustees is focussed on this task. The Charity's governance document does not require funds to be raised by any other means.

- *KKG: TPLC are a small, locally-run charity comprising 5 trustees with low turnovers of income and outgoings. What business governance measures are being put in place to scale up the Charity from an average income of circa £19k pa to a potential land receipt of several million pounds from any Kentwood Hill/Armour Hill sale?*

TPLC (9): The Charity has a Business Plan for the review of its operations and the expansion of its charitable activities.

- *KKG: How has TPLC assessed that this quantum of additional support is required for the charity's objectives?*
- *KKG: Has TPLC conducted a proper, evidence-based analysis of current and future needs to justify the sale of this land?*

TPLC (10): An analysis of the quantum of need is not relevant to understanding that the land sale is in the best interests of the Charity's beneficiaries.

- *KKG: On what evidence have TPLC based a decision to sell the land for development now rather than at some stage the future? Equally, what has led to the decision to sell all the land in question rather than for example excluding the greenfield element?*

TPLC (11): Refer to the Q&A section below – specifically, questions Q4, Q10 and Q17. It has been decided that it is in the Charity's best interests to sell the two development sites for residential development in accordance with the site allocation in the RBC Local Plan, and that the Withies area located between the two development sites should be included in the sale.

- *KKG: What criteria does TPLC apply to assess qualifying need for applicants' support?*

TPLC (12): In addition to the rules set down in the governance document, the Charity adopts Charity Commission guidance, including the Note appended to the governance document. The Note makes it clear that *"It is for the charity trustees to decide whether need exists in any particular case."*

- *KKG: In ensuring value for money what process did TPLC undertake to ensure competitive market value in appointing selling agents?*

TPLC (13): The decisions to appoint solicitors and qualified surveyors are made solely by the Trustees acting in the Charity's best interests, in accordance with Charity Commission guidance and good practice.

- *KKG: With the current welfare state support for those in need, does TPLC consider whether the original purpose of the charity set up 200 years ago is still relevant today?*

TPLC (14): The Charity has no hesitation in confirming that there is a desperate need for it to continue – and to expand – its operations, as many of the applicants for its grants are individuals and families who have fallen through the 'safety net' of the welfare state.

- *KKG: Why have TPLC consistently refused calls for a public meeting and/or public consultation on the proposed land sale and development?*

TPLC (15): Refer to the Q&A section below – specifically, question Q13.

KKG: The following questions have a public response from TPLC on their webpage. We have outlined additional concerns in relation to each response, where they exist:

Recently Asked Questions

Q1: Why are contractors now being sent in to clear the land for development?

The site is not being 'cleared for development to start', but a limited amount of clearance is needed to provide access for the necessary inspections and surveys – including environmental surveys – to take place. In order to identify the important trees, flora and fauna on the site, the arboriculture and ecology specialists must be able to do their job and inspect the site, effectively and safely. Since the empty site was first put forward for development, it has become very overgrown, and so brambles and other overgrowth must be cut back sensitively. This limited cutting-back has been discussed in depth with the relevant Reading Borough Council officer, and has been approved by RBC. Further information about the preparatory work for inspections and surveys is available in the form of a webinar at <https://www.chaneys-cs.com/kentwood-hill-and-armour-hill-site-update-setpember-2022/>

- *KKG: the webinar holds known inaccuracies and misleads. Chaneys have been made aware of this and have already needed to issue clarifications for some of the highlighted concerns. Further inaccuracies remain.*

TPLC (16): It is not accepted that any of the statements issued by or on behalf of the Charity contain any significant inaccuracies or misleading information. All comments received about the site works have been passed on to the Charity's Preferred Development Partner.

- *KKG: The Ecology Method Statement and use of machinery are now illegal, given the verified presence of protected species on site.*

TPLC (17): It is not accepted that any unlawful activity has taken place on the Charity's land (other than trespass by unauthorised persons). The Charity understands that the Ecology Method Statement was revised and updated prior to the start of site works. All comments received about the site works have been passed on to the Charity's Preferred Development Partner.

- *KKG: The empty site has become overgrown precisely because it has had no management from TPLC at all since allotment holders were evicted from it approx. 25 years ago – despite the fact that the*

management and maintenance of the land are laid out as primary aims in the charity's own governance document.

TPLC (18a): The management and maintenance of land are not the primary aim of the Charity. The sole charitable purpose of the Charity is the relief of poverty by giving grants of goods, services or debt repayments to persons in financial hardship. This can be easily confirmed by contacting the Charity Commission. See also responses TPLC (33a), (38a) and (38b).

TPLC (18b): The overgrown nature of the sites designated for development in the Local Plan may be said to be due to priority being given to people in need, over expenditure on ground maintenance work.

TPLC (18c): Within living memory (more than 35 years), no allotment gardener willing to pay for and cultivate a plot has ever been evicted. In a very few cases, plot-holders have been deprived of their plot due to their refusal – despite repeated warnings – to cultivate their plot or to pay their rent. The land is managed in the best interests of the Charity and its beneficiaries.

- **KKG:** *The application to Reading Borough Council for approval to commence scrub clearance made no mention of using a ground clearance company, Tall Oaks.*
- **KKG:** *Reading Borough Council's approval makes reference to known protected species on site ("the ecological impact of the works needs to be considered both prior to and during the clearance – I expect this will be particularly necessary in The Withies (Area 3). I understand that there will be a watching brief by an ecologist, which will be a necessity given that we know there are protected species active on site.") Thames Valley Environmental Records Centre records and the site visit by Binfield Badgers confirm the presence of several protected species on site. Yet the Ecology Method Statement continues to cite only 'anecdotal evidence' of wildlife.*

TPLC (19): Access to the Charity's private land for conducting authorised ecological or environmental studies has been granted only to the Charity's Preferred Development Partner, its consultants and contractors. Access to the land by any other individual/organisation would involve trespass.

- **KKG:** *The permission granted by Reading Borough Council under the blanket Tree Protection Order, specifies allowing the "minimum clearance required". The Ecology Method Statement from Aspect mentions "complete clearance." The public are concerned that more land will be cleared than is allowed under the requirements of the TPO, the Badgers Act 1992 or the Wildlife and Countryside Act 1981.*

TPLC (20): Refer to response TPLC (17) above.

Q2: Why didn't you tell people in August when the work on-site would start?

RBC approved the site work on 9th August 2022, with no defined start date. The Charity didn't learn of the proposed start date for the work until early September, and we issued notices to all our allotment holders as soon as we were able to. We would have liked to have given more notice of the work, but this was impracticable.

KKG: *The approval letter from Reading Borough Council (9 August 2022) says "I would also suggest that once the date of works is known (or the date of commencement and likely duration) that notices are placed on the allotment notice boards and an email to allotment holders sent out". This did not happen. TPLC issued an email on Sunday 11th September at 18:12 to some allotment holders – i.e. the evening before the planned clearance work was due to start. At some point after 18:30 that same evening, a copy of the email was printed and put on two small noticeboards on the allotment site. Clearly, the date and logistics of the clearance work – including employment of a representative of Ridgepoint Homes, an ecologist and arboriculturalist from Aspect Ecology, and clearance sub-contractors, Tall Oaks – had been planned for some considerable time before notice was given. Plot holders who are not on email had no notice of the planned works. The notice did not say that a large welfare station was to be placed in the allotment car park. No notice was given at all to local residents, despite the noise, increased traffic and parking this work would generate.*

TPLC (21): The Charity issued notices to allotment holders as soon as it was able to. The Charity would have liked to have given more notice of the work, but this was impracticable. The start of work was delayed until 26th September, and therefore allotment holders were warned up to 15 days in advance of the work.

Q3: Why are you shutting the allotments car park?

The Charity had hoped to be able to keep the car park open for use by allotment holders during the site works. However, the presence of protesters on the planned date for work to start led to concerns on the part of the contractors for the welfare of their staff. With regret, therefore, the Charity has been left with no option but to close the car park temporarily for the duration of the site works (anticipated to be about three weeks).

KKG: The 'protesters' in question were concerned local residents and plot-holders. They also included a Kentwood ward local councillor. The 'protest' comprised plot-holders parking in the allotments car park (a contractually-agreed amenity provided by the landlords, TPLC, and which they pay for from their annual rent.) After the initial period of direct action (parking and standing in the car park), the peaceful group of local residents, plot-holders and Kentwood ward local councillor waited in the car park to discuss their concerns with TPLC and the charity's contractors. Beyond a direct approach by a handful of residents to representatives from Ridgepoint Homes, Chaney's and Aspect Ecology, this opportunity for meaningful dialogue was not forthcoming. No further communication from TPLC to KKG, plot-holders or residents was provided until 21st September at 20.17, when notice was given by email and on allotment noticeboards to some (but not all) plot-holders that clearance work would recommence on Monday 26 September and that the allotments car park would be closed. Again, no communication was provided to other local residents that there would now be an increased volume of street parking in addition to disturbance created by clearance work.

TPLC (22a): Parking on the Charity's land is not a contractually-agreed amenity. Use of the car park is at the sole discretion of the Trustees. The Allotment Licence does not include the granting of permission to park a car on the Charity's land. Free, non-exclusive, vehicular use of the car park and/or vehicle trackways by a plot-holder has been permitted by the Trustees only whilst the plot-holder is tending to his/her plot and subject to (a) the payment of a key deposit, (b) sufficient space being available, and (c) the terms and conditions of the Allotment Licence being observed.

TPLC (22b): It is misleading to state that TPLC issued no further communication between 11th and 21st September. The TPLC Chairman contacted the Secretary of the allotment-holders' society on 14th September and notified her of a meeting with TPLC on 16th September to discuss matters relating to the Armour Hill entrance and car park. Four seats at the meeting had been reserved for TAS Committee members. The 13 TAS Committee members were sent invitations (by Chaney's, as the meeting hosts, acting on behalf of TPLC), although only one TAS Committee member responded and none attended the meeting.

Q4: Why not just drop the whole idea of building houses on the land?

It has long been clear that the Charity had insufficient resources to meet local demands from those in need, and that situation is only going to get worse. In the aftermath of the Russian invasion of Ukraine, energy prices have started to shoot up, along with the general cost of living. Many more people are facing falling standards of living, fuel poverty, cold winters, expensive food and transport, and so on. Warnings of the scale of financial hardship that will strike our community cannot be dismissed as scare-mongering. It will take some time for the benefits of the land-sale to come through in the form of funds for making grants, and the sooner that progress can be made, the sooner the Charity will be able to help the growing numbers experiencing real poverty.

KKG: TPLC's own published accounts indicate that the professed lack of funds is in fact far from 'clear'. Every year, TPLC's income has exceeded expenditure, with the sole exception of 2017 when £19,000 was spent on planning services. As at 31/12/2020, TPLC had £49,822.65 in current funds available. Yet, over the past 10 years, it has given out between £8k and £13k per annum in grants to those in need. In the reasons provided in TPLC's accounts for not approving requests for financial assistance, insufficient

resources is not cited once. The 2020 Accounts also indicate that TPLC had in fact received fewer requests for financial support than usual, and so had decided to donate money to other charities instead. No Needs Analysis or trend forecast has been provided for the claimed need for additional income despite repeated calls for it. TPLC have been trying to sell this land since 1998 – long before the current cost of living crisis that they are now citing as being their motivation.

TPLC (23): The Charity has been, and continues to be, carefully managed within its limited means. Available funds are spread (quite thinly) across many applications, despite the Trustees' wish to make larger grants on occasions. Referring agencies have long been aware of the Charity's grant-giving limitations, and it is understood that the more deserving cases are put forward with modest requests for funding. The current cost-of-living crisis is not the sole motivation for the sale of land, but is a major issue adding urgency to the need to expand the Charity's operations. See also Q&A questions Q10 and Q17, and responses TPLC (7), (10) and (34).

Q5: How is the church involved in TPLC?

No church has any role or influence in the running of TPLC, which has been a civil charity for over 200 years. Our Governing Document states that the incumbent of one local church is automatically a Trustee of the Charity, and that three local councils are given the power to nominate one Trustee each. However, the Trustees do not and cannot represent their nominating organisations – indeed, they are legally required to make decisions in the best interests of the Charity and its beneficiaries, putting this above the interests of the organisation that nominated them. There is no other connection between TPLC and any council, church, political party, or commercial/trade body. If any member of the public considers that a Trustee or group of Trustees is acting improperly, any unresolved complaints should be referred to the Charity Commission for final resolution – not to any council or church organisation.

KKG: The church and TPLC are absolutely affiliated, there is no avoiding this. The land was originally entrusted to "the Lord of the Manor, the Rector, the Churchwardens and the Overseers of the Poor, as Trustees for the poor of the Parish". The Lord of the Manor has since nominated 3 councils to act as his proxy; his (and the rector's) option to do this was specified in the original grant. The church has made no effort to distance itself from this charity for over 200 years. All but 1 of its current trustees have close links with St Michael's church. Only one trustee from the church is required, according to the charity's governance document, but it appears that they select the additional trustees from the church elders only. For more than 100 years, all of the documentation related to this charity and the original enclosure were stored in St Michael's church. St Michael's church is a considerable distance from the land in question.

TPLC (24a): A few of the points raised may be of interest to local historians, but the allegations totally ignore the constitution of the Charity as approved by the Charity Commission in 1982. The alleged 'affiliation' between the Charity and any church is fallacious and baseless. This can be easily confirmed by contacting the Charity Commission.

TPLC (24b): The comments made about the Trustees are prejudicial to the exercise of the right to freedom of religion. The comments also include personal data of identifiable individuals, which claims to reveal their religious or philosophical beliefs. The Information Commissioner's Office may have an interest in this use of 'special category data' (ref Article 9 of the UK GDPR).

Frequently Asked Questions

Q6: What is TPLC's charitable objective?

The charity's aim is the relief of poverty by making grants of money for goods and/or services to people in need, hardship and distress. This is set down in our Governing Document, and legally we are required to place this objective above all other considerations in our decision-making.

KKG: According to the charity's Governance Document (or constitution), this is not their primary aim. It may however be what they now choose to believe is their primary aim, as it sits conveniently with their

desire to sell the land. According to the constitution of the charity, their aim is to manage land on trust for the people of the ancient parish of Tilehurst. Where they have excess income from that land it should be used to relieve the need hardship or distress of people in the local area. The trustees must act in accordance with their governance document. It appears that they are acting in accordance with some shadow aims not documented in their constitution.

TPLC (25): The allegations are fallacious and baseless. Refer to response TPLC (18a) above.

Q7: Where does TPLC get the money it uses to make grants?

TPLC is what is known as an “endowed charity”. The money available to us for our grant-giving and running costs is limited to the income we bring in from land rentals and from capital investments – around £18-£20,000 income per year. We are not permitted to spend our capital, which is the proceeds from previous land sales.

KKG: TPLC chose not to raise money in other ways than through rents received and income from capital. They are not obliged to limit their income in this way. An “endowed” charity purely means that it has been endowed with property. This answer implies income is restricted to what it can generate from that land. It is not. As it is, year on year, TPLC have not spent the funds available to them, meaning that they have accrued over £50k in cash assets. They have also spent over £50k on planning-related administration.

TPLC (26): The Charity is legally required to generate income from its endowment assets. This can be easily confirmed by contacting the Charity Commission. Even if the Charity were to receive a large donation of unrestricted funds from a reputable source, it would not alter this requirement.

Q8: What sorts of things do the grants cover?

We provide money for essentials like cookers, washing machines, furniture and school uniforms, as well as funding course fees and school trips for students who would not otherwise be able to afford them. These are only examples – we are able to consider requests for any goods, services or debt repayments. We are not permitted to make payments for anything that can be funded from state benefits, or payments of court fines or tax arrears (including Council Tax).

KKG: No comments.

Q9: Can you give us some specific examples?

Recent grants have included:

- Carpeting for a family home where the father is suffering from cancer;
- White goods (kitchen appliances) for a family fleeing sexual violence;
- School uniform for 3 children of a single mother;
- Clothing support for an Armed Forces veteran;
- Furniture and white goods for a refugee family suffering domestic violence;
- White goods for a family with 3 children with significant health problems.

KKG: No comments.

Q10: Your income exceeds your expenditure, so why the need to sell land?

We are not allowed to use our capital for grants, so we have to be very careful to manage our cash flow to make sure that we don't overspend or find ourselves at the end of the year with no money to help people in urgent need. In actual fact, the level of applications often exceeds the relatively small amount of money coming in, and we have historically been unable to consider many of the requests we receive, or have been able to meet them only partially. The current economic situation – with the recent withdrawal of the universal credit uplift, pandemic-related job losses and huge fuel price increases on the horizon – will inevitably make things worse, leading to increased poverty and need which we are simply not equipped to meet. The invested proceeds from the land sale will give us a significantly increased income stream that will permit us to scale up our activities and become far more pro-active in publicising the help we can offer.

KKG: This does not answer the question. As above, with the exception of 2017 when £19,000 was spent on planning services, TPLC's income has consistently exceeded its expenditure. As at 31/12/2020 (the last published accounts), the Charity had £49,822.65 in current funds available to use. A lack of income is not preventing requests being considered. TPLC's own financial reports each year give the following reasons why applications for financial support are refused:

- *Outside area of benefit*
- *Referrals to other agencies and charities*
- *Applications refused*
- *Applications withdrawn*
- *Additional information sought but not provided*
- *Grants not taken up*
- *Applications pending*

'Insufficient resources' is not one of the reasons ever given for turning down an application for financial help.

TPLC has failed to ensure the potential, assured income from the allotments that it manages. The Chapel Hill allotments have stood empty, generating no income at all, since the plot-holders were evicted in 2014 in anticipation of a planning application which was refused. There are currently over 15 vacant plots at Polsted Road/Armour Hill allotments, despite a lengthy waiting list – not to mention the 28 plots on Kentwood Hill that have stood vacant since 1998 and which now form part of the 'reserved' land for sale.

At current rental rates of £130 per plot per annum, this represents a significant and unnecessary loss of income brought about directly by the Charity's own mismanagement of the land it is entrusted to manage and maintain.

TPLC (27a): Shortage of funds can be a reason, or a contributory factor, for categorising applications as 'Outside [Preferred] Area of Benefit', 'Referrals to other agencies and charities', 'Applications refused' and 'Additional information sought [but not provided]'.

TPLC (27b): No allotment plot-holders were evicted in 2014 – Chapel Hill plot-holders were each offered a plot on the Charity's main allotment site, and those who decided not to take up the offer were paid appropriate compensation. Refer to response TPLC (18c).

TPLC (27c): The '28 plots on Kentwood Hill' ceased to be allotment plots in 1998.

Q11: What land are you selling?

We are selling land at Armour Hill and Kentwood Hill which Reading Borough Council included in its Local Plan as "Development for Residential" areas, together with a small intervening copse, known as "the Withies". The area with trees is identified in the Local Plan as an Area of Biodiversity Interest, and is protected from development through planning restrictions and a Tree Preservation Order.

KKG: Since the last update of the Reading Borough Council Local Plan in 2019, a blanket Tree Preservation Order has been applied to the entirety of TPLC's land, not just the Withies.

TPLC (28a): The TPO does not cover the Victoria Recreation Ground which is also part of the Charity's land. Since 2019, Reading Borough Council has confirmed that none of the land covered by the TPO is an 'Asset of Community Value'.

KKG: It appears on plans drawn up by agents of TPLC that attempts are being made to reduce the size of the area described as "the Withies".

TPLC (28b): This allegation is without foundation. On the contrary, it has been observed that a plan published by unidentified persons on social media attempted to expand the Withies area to encroach on development sites WR3s and WR3t.

KKG: It also appears from the plans on Chaney's website that a number of currently in use allotments have been included in the area to be surveyed. This has resulted in a number of plot-holders being concerned they may lose their plots.

TPLC (28c): The Charity has not been approached by any allotment-holders with concerns about losing their plots. The Charity has provided reassurance that the sale and development of part of its land will not result in any reduction in the number of allotment plots.

KKG: The plan of the land for sale also included the allotment car park and access track, even though these are not in the Local Plan.

TPLC (28d): The car parking area and the trackway are not included within the allotments site (which is identified in the Local Plan as part of EN7Wu); they are part of development site WR3t.

Q12: Is this just the thin end of the wedge? Will the allotments be next?

We have no plans to sell the land that is currently being used as allotments.

KKG: A notice on TPLC's website, that has only recently been withdrawn, ominously stated that TPLC has no legal requirement to provide land for allotments or recreation grounds. In addition, both the allotments and the recreation ground were included, along with the 'reserved land', in a planning application submitted to RBC in 2017 (in which reference was also made to some land being maintained for leisure purposes). RBC – not TPLC – have classified both the allotments and Victoria recreation ground as protected local green space.

TPLC (29a): The removal of any statement from the Charity's website should not be taken to imply that the statement is no longer true. There is no legal requirement on the Charity to provide land for allotments or recreation grounds.

TPLC (29b): The Charity is not aware of any Planning Application for any of its land having been submitted to RBC in 2017. Some sketch layouts were submitted as illustrations of possible development of the Charity's land. However, these sketches were in support of the RBC Local Plan process, following the RBC Call For Sites in 2014 and 2015.

Q13: Why was your intention to sell kept quiet, and why was the community not consulted about the sale?

It wasn't, and they were! Our intention to sell the land has been in the public domain for a number of years – it appears in all the Annual Reports on our website, and was even mentioned by the local press when we celebrated our bi-centenary back in 2011. And the land was clearly identified in RBC's draft local plan, which was subject to full public consultation prior to its adoption in 2019. There will be further statutory opportunities for people to express their views during the planning process, as and when a planning application is made.

KKG: This latest attempt to sell the land was kept quiet. In addition, when TPLC told the Tilehurst Allotment Society (but not local residents) of the proposed sale in December 2021, the land was already being advertised on Chaney's website. TPLC have ignored repeated calls for a public meeting. If it were not for the actions of Keep Kentwood Green, local residents would still be unaware of the plans to sell, clear and develop this land. The only communication provided by TPLC have been last-minute, minimal notices to some plot-holders or inaccurate, retrospective communications – such as the latest FAQs – posted on the Charity's or estate agent's website.

TPLC (30): The Charity's decision to sell some of its land for development has been in the public domain for over 20 years. As part of the Charity's land was allocated for Residential Development in the current RBC Local Plan, it cannot have come as a surprise that the Charity was still seeking to sell its land. The Trustees consider that a public meeting would serve no useful purpose at this time.

Q14: What is the land earmarked for development being used for at the moment?

There is a builder's yard on part of it, and the rest has been unused for many years.

KKG: A large proportion of this land was originally used as allotments, until the plot-holders were evicted by TPLC in 1998. If it has been 'unused' for this purpose since, this is as a direct result of the Charity's own actions. Since 1998, the land has been left unmaintained and unmanaged by the Charity – other than leasing an area for a builder's yard. The abandoned, 're-served' land has in the meantime been used by numerous species of animals and birds – including badgers, bats, hedgehogs, owls, slow worms and other protected species – for shelter, refuge, nesting, foraging and hunting. It also provides local residents with oxygen from its plants and a pleasant view of green rather than yet more new houses. It forms a vital

'green corridor' with other local green spaces, such as McIlroy and Arthur Newbery Parks. Its trees form part of the West Reading Protected Ridgeline. It is not unused.

TPLC (31a): In May 2022 RBC confirmed that development sites WR3t and WR3s, the allotment area and the Withies were not Assets of Community Value. The Council found that the local community did not have *"any actual current use of the withies, woodland and surrounding area"*.

TPLC (31b): No allotment plot-holders were evicted in 1998 – displaced plot-holders were each offered a plot elsewhere on the Charity's main allotment site, and those who decided not to take up the offer were paid appropriate compensation. Refer to response TPLC (18c) and (37c).

Q15: What about its past use?

Although there have never been houses on the land, it has in the past accommodated agricultural and small business premises such as piggery buildings, a furniture-manufactory and a builder's yard. Up until 1998 there was also sporadic use of the land for allotments, but plot-holders were paid compensation to relocate to vacant plots on the main allotment site, and no plot-holder willing to cultivate an allotment was deprived of a plot. Across the site there are numerous concrete floor slabs left from past buildings and shed bases.

KKG: Only the piggeries mentioned were once on land for sale that is not currently covered by the builder's yard. The majority of the site is therefore green-field land, that has only ever been used as allotments for local residents of Tilehurst. The allotments on Kentwood Hill had been in constant – not sporadic – use for many years, as witnessed by a current plot-holder, evicted in 1998, who had rented an allotment there for over 20 years before being reluctantly 'relocated'.

TPLC (32): No allotment plot-holders were evicted. Refer to responses TPLC (18c) and (31b).

Q16: It has been suggested that TPLC should "put the environment first" and preserve the land as "green space" in perpetuity. Why are you not prepared to do this?

We recognise that other members of the community may order their priorities differently, but legally we are required to place the relief of poverty above all other considerations in our decision-making. We cannot legally agree to protect this land from development for ever. Not only would that be to put other considerations above poverty, but it would also be illegal for us to knowingly take a step which would decrease the value of our endowed land assets by a substantial sum. In such circumstances the Trustees could be individually liable.

KKG: TPLC are not legally required to place the relief of the poverty above all other considerations. The Charity's governance document states that its primary purpose is to manage and maintain the land that it holds in trust for the people of Tilehurst. Any income from that land should be used to help the needy. Where has this repeated statement has come from? On the contrary, "in April the High Court found that charity trustees can consider climate change when making investment decisions, even if it means selling for less money." (The Economist). Numerous studies demonstrate that the poor suffer disproportionately from loss of green space.

TPLC (33a): The management and maintenance of land are not the primary aim of the Charity. The sole charitable purpose of the Charity is the relief of poverty. See also responses TPLC (18a), (38a) and (38b).

TPLC (33b): The High Court case was about clarifying the ability of Trustees to make ethical investment decisions when investing financial assets. It did not affect the Charity Commission guidance that land must not be sold or leased for less than the best possible price. The judge Mr Justice Michael Green approved the investment policies of the Ashden Trust and Mark Leonard Trust, which were designed to align with climate change goals. Neither trust is an endowed charity, and neither trust owns land. Both charities are large international concerns with charitable purposes and activities which promote environmental protection. None of the available reports on the High Court ruling state *"even if it means selling for less money"* (or similar wording), as this would breach Charity Commission guidance on selling charity assets.

Q17: Why can't you withdraw the land from sale and come up with a "greener" way of making an income from it?

The sale of this land is expected to bring in a substantial amount of money – and the resulting income stream will equip us to help more local people who are struggling to make ends meet, not just now, but for many years to come. We could not hope to generate an equivalent income by any other means, and need to act in the best interests of the charitable purpose we are legally bound to serve.

KKG: TPLC have provided no evidence-based justification for the need to sell the land now. Land appreciates in value, whereas cash assets devalue. Selling it before there is a documented need is not in the best interests of the Charity or of the people it is meant to support. TPLC's governance document makes no such claim about the Trustees' legal obligations.

TPLC (34): The Charity is bound, not only by its governance document, but also by charity law and by Charity Commission guidance. There is no legal requirement for a charity to publish documented, evidence-based justification each time that it wishes to undertake income-generation activity. See also responses TPLC (7), (10) and (23).

Q18: If you are so short of cash, why don't you increase rents on the allotments, builder's yard and Victoria Recreation Ground?

We regularly review rents on the builder's yard and allotments to ensure that they keep pace with the market. The Victoria Recreation Ground is leased to RBC under an arrangement where they could terminate the lease but we cannot. We have attempted to bring RBC to the table for long-overdue re-negotiations, but thus far have not been successful. In any case, though, any increased income from these sources would be of a much smaller order of magnitude to that which would flow from the land sale.

KKG: It may be true that TPLC is unable to increase the amount that Reading Borough Council pays to rent Victoria Recreation Ground (approx.. £1,000 per annum). The rent of £2,000 p.a. (£167 per month) for the builder's yard is, however, significantly below the market rate for such sites. The allotment rents, however, are well above council rates (at £130 compared to £40 for a full plot p.a.) and there are at least 15 plots currently unlet. In addition, the whole of TPLC's land at Chapel Hill has been left unused and hence producing no income since TPLC evicted allotment plot holders in 2014. There are currently no published plans to reopen these allotments.

TPLC (35a): The quoted rent for the builder's yard is inaccurate / out of date.

TPLC (35b): The comparison of allotment rents is inappropriate. RBC charges an extra one-off starter fee of approx. £45. The figure of £40p.a. relates to an RBC plot with no water provided. Furthermore, RBC is obliged to provide Statutory Allotments (and discounts its prices for 'Your Reading Passport'), whereas the Charity is under no obligation to provide Private Allotments. Other private allotment rents are much higher than TPLC rents – for example, in Bath a plot of 108 square metres (less than a half-plot) currently costs £49.99 per month – which equates to £695 per annum for a 125m² half-plot.

TPLC (35c): No allotment plot-holders were evicted in 2014. Refer to responses TPLC (18c) and (27b).

Q19: Why have you been leafletting local shops?

The "Keep Kentwood Green" (KKG) group have placed their petition in those same shops, and we believe that it is right that people should understand what TPLC is about and the background to our decision in order that they can reach a clear and rounded understanding of the situation before deciding whether or not to sign.

KKG: If it were not for the actions of KKG, local residents would not be aware that this land was for sale or of TPLC's plans to clear vegetation. A more effective way of ensuring that local people know of TPLC's plans, decision-making and context would be to hold a public meeting – as has been repeatedly requested.

TPLC (36): Refer to Q&A question Q13 above.

Q20: Why have you fenced the access to the allotments through the land to be sold?

Because of a recent rise in reports of trespass onto the Charity's unused land, and some criminal damage that has been reported to police, additional fencing has had to be erected. We do not agree that this has blocked an "established access way" – there are no rights of way over the Charity's land, and the gate on Kentwood Hill has been padlocked shut for over 20 years. However, if allotment holders are experiencing particular difficulties, for example because of mobility issues, they should contact us direct via our clerk (clerk@tilehurstplc.org.uk), so that we can try to find a mutually acceptable solution.

KKG: The 'acts of trespass' to which TPLC refers are generally local residents using the path through the allotments to access shops, pubs, bus stops etc. A small increase in activity was seen when KKG first drew attention to the plans for this land, but this declined after a couple of weeks. The path from Kentwood Hill to the allotments that was fenced off by TPLC has long been used by plot holders living on Kentwood Hill to access their plots. It is marked on Ordnance Survey and other maps. Whilst the gate has been padlocked for over 20 years to prevent vehicle access, there was sufficient room at the side of this gate for pedestrian access – and at least one plot-holder who was evicted from his plot on Kentwood Hill in 1998 had the explicit (but unwritten) permission of TPLC trustees to access his plot on the current site using this path. He refused his financial compensation in return for this permission and has been keeping the route clear himself ever since. It is also worth noting that, until the recent erection of this fence, TPLC have done little to prevent or respond to fly-tipping and vandalism over many years.

TPLC (37a): Local residents using the path through the allotments to access shops, pubs, bus stops etc are indeed committing acts of trespass.

TPLC (37b): The former path from Kentwood Hill is on land that is for sale, and the path is closed to allotment-holders as well as the general public. It is not accepted that undocumented, unrecorded permission has been given by the Trustees for the continued use of this path or for gaining access by forcing a way through the hedgerow to the side of the gateway.

TPLC (37c): No allotment plot-holders were evicted in 1998. Refer to response TPLC (18c) and (31b).

Q21: We have broad concerns about development, the environment and green space – why will you not engage with us on these?

We are, of course, aware of these concerns, but they are not matters that TPLC can legitimately take into account in its decision-making or on which we can usefully comment, because we are required to focus on addressing poverty above all else. Rather, they are matters for the planning authorities, who will, as is right, give them due consideration as and when a planning application is made. An environmental impact assessment will be carried out as a statutory part of the planning process, and there will be opportunities for people to feed in their views at that stage.

KKG: TPLC can legitimately take these concerns into account. The charity's governance document makes no such stipulation. In addition, in April this year, the High Court found that charity trustees "can consider climate change when making investment decisions, even if it means selling for less money." (Guardian, June 2022) The primary aim of the charity is the management of the land with which it was entrusted as a result of the Enclosures Act 1811 (Tilehurst 1817). The Charity's governance document states (section 28, Expenses of Management) that: 'The Trustees shall first defray out of the income of the Charity the cost of the maintenance and upkeep of the property of the Charity and all other charges and outgoings payable in respect thereof and all other charges and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.' Section 29, Application of Income, of the same governance document states that any excess income should be used to relieve poverty. The Charity is NOT required to focus on addressing poverty above all else. KKG are categorically not arguing that we are not opposed to the relief of poverty – but we refute the arguments and methods TPLC propose for doing so.

TPLC (38a): The sole purpose of the Charity is the relief of poverty. This can be easily confirmed by contacting the Charity Commission. Charity Commission guidance (ref. CC3) states that Trustees must do what the Board of Trustees (and no one else) decides will best enable the charity to carry out its charitable purposes.

TPLC (38b): Charity trustees must not bankrupt their charity, and so bills must be paid before the available funds can then be allocated for the charitable purpose(s). Paying bills first does not make bill-paying the primary aim of a charity. Refer to responses TPLC (18a) and (33a).

TPLC (38c): The High Court case did not invalidate the Charity Commission guidance that land must not be sold or leased for less than the best possible price. Refer to Q&A question Q16 and response TPLC (33b). N.B. The KKG comment on Q16 attributes the quotation to the Economist, not the Guardian. The reference to “selling for less money” has not been found in any of the available on-line reports of the High Court case.

Q22: You have spent a lot of money on marketing this land – how can you justify that?

The costs of marketing land may seem to be a lot of money, but it's only a fraction of what we've spent on making grants – and it's a tiny amount relative to the additional income that the charity will receive from a successful sale. We are satisfied that the potential benefits vastly outweigh the initial outlay. We consulted the Charity Commission in advance, and they were content that the Charity has the authority to sell any of its land, and that marketing and other preparations for sale are a proper use of the charity's funds.

KKG: From 2016 to 2020 (latest accounts available as at October 2022) TPLC have spent £31,002 on planning expenditure and £52,933 on development expenses. That is, 37% of TPLC's expenditure in the last 5 years has been spent on planning.

TPLC (39): The KKG figures do not make sense, in particular the figure of “£52,933 on development expenses”. A total of £31,000 was spent on planning-related expenditure from 2016 to 2020, and a total of £59,666 was spent on grants and other non-planning-related expenditure in those years. Therefore 34% of total expenditure was on planning-related expenses during that period.