



MINUTES OF THE KING'S POND TASK & FINISH GROUP

Tuesday 23 June 2026

Present: Councillor Don Hammond - Chair (DH)
Councillor John Quincey (JQ)
Tom Horwood – Town Clerk (TH)
Hayley Carter - Deputy Town Clerk (HC)
Natalie Beckell – Alton Town Council (NB)
Cathy Ayres – Resident representative (CA)
Paul Ebbutt – Resident representative (PE)
Angie Owens - Resident representative (AO)
Tim Pinchen - Resident representative (TP)
Eric Phillips – Resident representative (EP)

1. Apologies

Councillor Chris Botten (CB)

2. Minutes of the previous meeting

The Minutes of the meeting held on Monday 1 June 2026 were proposed by JQ and EP seconded, with voting in favour (PE abstained due to absence).

3. Update on Stage One Design

HC, DH and TH have had two Teams meetings with Five Rivers so far. They have mainly been reviewing everything and just getting started. Currently on target for the end of August as planned. They will keep us updated throughout.

4. Review of Actions from last meeting

- Silt sampling – Five Rivers said that it would be more useful for Stage Two. Not really needed at this stage. It has therefore not been booked in.
- DH to contact EA fisheries man. Have so far only exchanged some text messages.
- Signage about feeding – some have been put up but more need doing. Ecology Partnership said they had some samples they could send over. TP also had some examples he will send to HC.
- No further response received yet from EA.

- Hampshire Legal Services sent a response regarding the advice sought on the dam which was discussed.
- **ACTION – Follow the legal advice received – TH to draft and send letters as appropriate.**
- **ACTION – Get advice from appropriate engineer yet to be done.** TP had sent list of engineers to TH. TH to select three and send enquiry to them.
- Date now set to meet with HCC re drains (7/7/26). Date not yet requested with TW.
- **ACTION – TH to chase TW regarding date to discuss drain from Racecourse estate.**
- DH has added this drain to the engineering sub projects list but has not yet circulated the updated list **ACTION – DH to circulate updated list.**
- NB has circulated draft consultation proposal.
- TH has made some initial enquiries about survey companies.

5. **Angling Suggestion**

It was generally agreed that angling is not a good idea on a public open space such as this. Conflicts arise between anglers and members of the public, particularly when bait adds to pollution and hooks get left lying around that can be a problem for dogs. Members felt they would not want to make a decision on this until they knew which option would be going forward for the pond.

ACTION – TH to draft response and run it by TP.

6. **Village Green Status**

ATC has never entertained the idea of building houses on King's Pond. While it is difficult to stop rumours circulating, it must be clear that there is absolutely no basis in fact.

TH had thoroughly researched the idea of applying for Village Green Status and his report was as follows:

Legal ownership is the first and best protection. The owner of King's Pond is ATC, which does not wish to develop the site. Therefore, the question is academic.

If, in theory, the town council wanted the site to be developed, ATC would have to sell it, as the council does not have the powers to build houses. ATC has a "statutory trust" obligation under the Open Spaces Act 1906 to hold and manage land for the public's enjoyment. The law sets out a very strict and onerous legal

procedure to dispose of such land, including public notification and the formal consideration of objections. To proceed, ATC would need to demonstrate that the site is surplus to the requirements of public amenity and undertake an open consultation. Given that King's Pond is maintained as a "public open space", is very popular and is unique in the local area, it is hard to conceive of how it could be considered surplus. The Local Government Act 1972 indicates that ministerial consent is likely to be required. The law on this is complex and there are legal cases and judgments that discuss it. I expect that an attempted disposal of King's Pond would be rapidly challenged in the courts and would be very expensive to pursue, as well as find against disposal.

If the site were sold, a new owner is still subject to the site's protections in Planning law. They would need to secure planning permission from the Local Planning Authority. The National Planning Policy Framework requires the benefits of losing public open space to be greater than the harm, which would be exceptionally difficult to argue for King's Pond. East Hampshire's Local Plan prioritises creating more public open space, so removing a large popular area of public open space would be very difficult. King's Pond is designated as "local green space" in the Neighbourhood Plan under the Localism Act (CH5). The Plan supports "retention of existing public open spaces and the provision of new ones" (p.61) where development will only happen in "very special circumstances" (p.63). A planning application would require the usual statutory public consultation. An application to build houses at King's Pond would be fiercely and rightly resisted on many planning grounds. All of this presents a massive hurdle to anyone trying to secure planning permission. Local green space status is recommended as the strongest protection for most public open space.

It has been suggested that "town and village green" status (under the Commons Act 2006, the Growth and Infrastructure Act 2013, the Inclosure Act 1857 and the Commons Act 1876) might provide even stronger protection as it would provide a permanent right for residents to use the land for recreation. To qualify normally, evidence must be provided to prove that the community has used the land for "lawful sports and pastimes" for at least twenty years "as of right" (i.e. without permission), which is the opposite of "by right" (i.e. with permission). It is arguable as to whether the public's legal access to King's Pond is "as of right" or "by right". To resolve this would require specialist legal advice and the "commons registration authority" would ultimately make the decision. An application does not have to be made by the landowner; private individuals can apply. However, a landowner's application can waive the requirement to prove community use. Hampshire County Council is the commons registration authority. The process

can take some time, including potentially a public enquiry (less likely if the landowner is supportive). This is an option for ATC, but it is not necessary to incur these costs because ATC has no wish to sell the site and there are substantial legal protections already in place.

Another route, that can be pursued by a community group of at least 21 people, is to apply to East Hampshire District Council to register the site as an asset of community value for five years, under the Localism Act 2011. If successful, this does not prevent a sale, but it does force the selling landowner to pause for six months to allow a community group to bid to own it. At the end of the six months, the landowner must consider any bid from the community. Inclusion on the district's register is sometimes cited in planning decisions as it demonstrates the land's positive contribution to local social wellbeing, but it normally has limited weight unless there are also other complementary reasons. There is no fee for applying. In practice, the protections for King's Pond that are already in place are stronger than those that would exist for an asset of community value.

King's Pond is part of the River Wey. Aside from the practical difficulties of building houses on a river and pond, it would be astonishing if any housebuilder thought that it could be at all viable commercially.

King's Pond benefits from substantial legal protections, in addition to any practical and financial viability factors, that prevent redevelopment. Seeking additional protections is not necessary.

The T&FG agreed that it was not necessary to pursue this further and noted that this discussion will be reported to Full Council for noting and would be published.

7. Draft Consultation Plan

Documents reviewed:

1. Planning document
2. Draft proposed leaflet to be send out to 16,000+ homes
3. Draft questionnaire

Dates are provisionally booked for the briefings. HC / NB to arrange pop-up sessions at Alton Sports Centre, Train Station, Treloars, Alton College, King's Pond, events.

JQ suggested role playing done before the public sessions.

Make clear statement that the consultation will include designs, costs, etc and the financial burden on ATC / the taxpayer.

TP said he still thinks there should be a 'do nothing' option in the consultation in case the funding cannot be found. There was discussion around this as there was terrible backlash when we tried to add in other options last year. TH said it can certainly go in the report to Full Council.

Presentations need to say why ATC has chosen to do the consultation in the way it has.

JQ said that an independent survey company needs to be appointed to run the actual survey. TH said that NB has put together a good survey but agreed that we could explore whether there are companies who could run it and evaluate the response for us. TP said it is about the perception of impartiality, nothing to do with competence.

The presentation also needs to make it clear that the consultation will inform the council who have to ultimately make the decision.

ACTION – updated documents to be circulated to the group for further discussion

ACTION – plan to be taken to Full Council in July

8. Date of next meetings

T&FG meeting – Monday 13 July, 11am – 12.30pm, Alton Town Council, Town Hall, Market Square, GU34 1HD

C&SFG meeting - Wednesday 15 July 6.30pm – for members of the group and T&FG to go through plans for the consultation - Alton Town Council, Town Hall, Market Square, GU34 1HD

T&FG meeting – Tuesday 11th August, 9.30 – 11am, Alton Town Council, Town Hall, Market Square, GU34 1HD