

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in Committee Room A on Thursday 3 December 2015 at 2.00pm

- PRESENT: Cllr Barbara Cobbold (Chairman)
Cllr Ronen Basu
Paul Burnett
Mungo Chapman
Peter Freeman
Ian Marshall
Cllr James Scholes
Clare Sinha
Corin Thoday
Cllr Chris Woodward
- APOLOGIES: Ewen Cameron
George Craig
Rodney Stone
- ATTENDING: Geoff Levitt (Treasurer)
Steve Budden (Warden)
Julia Woodgate (Support Officer)
John Barber (Friends of Tunbridge Wells and Rusthall Common)
Jennifer Blackburn (Rusthall Parish Council)
Bartholomew Wren
- OBSERVING: Cllr Thelma Huggett
Cllr Joy Podbury
Maria Simmons
Karen Gardner (Rusthall Arts Fest)
Stuart Gray
Lynne Lane
Steve Lane

MINUTES

1. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 24 September 2015 were considered, approved and signed by the Chairman.

2. CYCLE PATHS

Following the publication of the draft cycling strategy, the working party met and walked route 4. Bartholomew Wren accepted that some parts need rethinking. The working party agreed that the section along Mount Ephraim was workable, and they were also happy with the suggestion for making Inner London Road a shared space

with no loss of grass by banning it to through traffic. However they could not recommend that the Conservators agree any part until there is a revised proposal for the entire route. All agreed that Castle Road is not suitable and there is currently no plan for a crossing over the A26.

The Rusthall route was not considered, but it was thought to be less controversial. It was suggested that the Tarry Path be used as a pilot study to see if any problems arose from allowing pedestrians and cyclists to share the space.

Mr Wren advised the meeting that the consultation was now over and he wanted to take the revised proposals to the JTB in February prior to Cabinet in March.

RESOLVED. The Working Party to meet as soon as possible to agree the details of the route. Mr Wren to produce either a revised plan or an annotated one. No part of the route to be agreed until the entire concept can be agreed.

3. MATTERS ARISING

a) Pedestrian crossings

John Barber reported that there was no progress from KCC.

b) Union House land swap site meeting

Ian Marshall asked to attend the meeting. The office to check if this is possible.

c) Japanese Knotweed

The Warden confirmed that the knotweed is not a serious problem as it does not grow well on the poor soil of the Commons. There is a little at the Cricket Pavilion and at Harmony Street but it is under control.

d) Auditors

The Treasurer confirmed that he has not yet heard from the auditors so no appointment has been made.

e) Parking at entrance to Nevill Park

Targetfollow confirmed that they have met the residents and the council, and that they will jointly pursue the best options.

f) Bulls Hollow

The Warden reported that the building work is nearly complete and remedial works to repair the damage to the Common will begin shortly, at the householder's expense.

g) Stranges Avenue

The Warden confirmed that two of the four trees to be removed by the developer as part of the building work at 11 London Road have now been removed. These

were the ones closest to the A26 and were in poor condition. The other two can probably be saved by reducing their height. The developer will need to apply to the Planning Department for permission. The Warden also confirmed that the developer is going to pay for all the works and subsequent clearing and landscaping, but it is not clear if they will be willing to fund the replanting of any trees.

RESOLVED. To ask the Developer to pay all the associated costs.

4. MEMBERSHIP

The under mentioned Conservators were appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council

Councillor Dr Ronen Basu)	
Councillor Barbara Cobbold)	one year term ending
Councillor James Scholes)	31 December 2016
Councillor Chris Woodward)	

Freehold Tenants

Mungo Chapman)	
Peter Freeman)	1st year of three year term until
Ian Marshall)	31 December 2018
Clare Sinha)	

Manor of Rusthall

Paul Burnett)	
Ewen Cameron)	3rd year of three year term until
George Craig)	31 December 2016
Corin Thoday)	

5. WARDEN'S REPORT

The Warden reported that the autumn clearance of paths and tracks has been completed and the clearance of the slopes at Happy Valley and Bulls Hollow will be started shortly.

The winter programme of treework is about to start. He had planned to concentrate this year on pushing back and scalloping the edges of the lower part of Major Yorks Road but, in view of the recent serious assault there, he thought it would be more useful to push back the trees for the entire length of the footpath beside the road.

He has repaired and seeded the area at Lower Green Road that was badly damaged by the recent gas pipe installation. However, the rest of the area remains waterlogged and fenced off. KCC has recently tested the water and discovered it to be mains

water, and apparently South East Water has accepted responsibility, although the Warden has had no discussions with them himself.

He confirmed that the Boundary Oaks near Hungershall Park will be preserved if possible, with canopy reductions and other tree surgery where necessary.

6. FINANCIAL STATEMENT No 3 2015/16

The Treasurer confirmed that the Conservators are expected by their insurers to keep the trees safe as a matter of course. The Warden is to engage a tree surgeon each year in future to do a roadside tree survey to replace those that KCC used to do. This will be an extra expense, but may help to keep insurance premiums low.

Targetfollow reminded the office that all donations by fitness groups and other organisations are voluntary donations only and do not imply any consent or right to occupy.

RESOLVED – that the statement be approved.

7. BUDGET AND PRECEPT 2016/17

The Treasurer reported that inflation has been low. There is no cost increase in the grasscutting contract as this will be the second year of the fixed two year extension granted last year. There will be no change in the litter contract which is linked to CPI as this was negative in September 2015.

The maintenance of cleared areas and tree maintenance budgets remain static. Although drainage and posts budgets have also been held at 2014/15 levels, increasing demands may require a redirection from the larger budgets.

Next year's budget also incorporates the s106 payment that has been paid to the Council by the developers of the old hospital site. It is expected to be paid to the Conservators soon.

The formula for determining the precept would allow it to be raised to almost £148,000 next year, but the Treasurer thinks £145,000 will be sufficient.

This will allow the reserve to be maintained at £25,000, which is within prudent levels. The contingency will be £4,000 and can be used for salary increases.

The Treasurer was asked if setting the budget so early each year led to problems as the situation could change before April, but he felt there is very little discretion in the budget as the work required is bound by the County of Kent Act, and therefore it is not difficult to set far in advance. There is also enough flexibility in the budget to cope with unexpected occurrences.

RESOLVED – that the proposed budget for 2016/17 be approved.

RESOLVED – that a precept for 2016/17 of £145,000 be approved.

8. **TRAVELLER PROTOCOL**

The Borough Council have established a protocol to enable them to take the initiative on behalf of parish councils in the event of an incursion by travellers. They will work with Legal Services, the courts and bailiffs on behalf of the parishes. They are willing to treat the Conservators as a parish council in this instance. They have asked for a contribution from each body of £500 as a fund to be used for this work.

They will also need authorisation from the Proper Officer to act on behalf of the Conservators.

RESOLVED. To obtain further information about what the contributions will be used for and whether top ups will be required when it is exhausted. To be considered at the next meeting.

RESOLVED. To appoint the Warden, Steve Budden, as Proper Officer, with the Clerk, Rodney Stone, as back up should the Warden be unavailable.

9. **SAFETY PROTOCOL**

Following the recent serious assault on the Common, a protocol is required to ensure all Conservators are swiftly informed about any serious incidents.

RESOLVED. Office to send out an email with any details available as soon as possible after any serious incident.

10. **POLICY REVIEW AND JOB DESCRIPTION REVIEW**

It was agreed to defer these reviews to the next meeting.

11. **RUSTHALL ARTS FEST**

A group of Rusthall artists wish to establish an annual event in the village incorporating all aspects of the arts. They hope to include the Common as a venue with removable installations and performances. The first Arts Fest will be held on 28-30 May 2016.

There will be no damage to the Common, anything placed there will be removed at the end of each day, and all clearing up will be done by the organisers. They will arrange Public Liability Insurance before the start.

RESOLVED. To allow the first Rusthall Arts Fest to take place and delegate the Warden to monitor all aspects that relate to the Common.

RESOLVED. To review the results at the September 2016 meeting before giving permission for future years.

12. **COFFEE STALL**

RESOLVED. Not to permit a temporary, part time coffee stall to operate out of Fir Tree car park on the grounds that it is a commercial enterprise and there is not sufficient space.

13. **FREEHOLD TENANT PROJECTS**

The Freehold Tenants circulated a paper outlining the projects they are willing to fund this year:

- a) Obtain expert advice on the following: habitats and species conservation; ponds and wetlands; rock outcrops; invasive plant species; scrub control; trees and woodland preservation and management. This will be used by the Freehold Tenants in their update of the management plan.
- b) Scallop Tarry Path and add steps and improve exit of the new, parallel path.
- c) Improve path from Spa roundabout to Fir Tree car park.
- d) Replace rotten duck house and cut back vegetation on the islands in Brighton Lake.
- e) Improve Terrace Walk at end near the Pantiles Hotel garage.

RESOLVED. To accept all Freehold Tenant projects with gratitude.

14. **ANY OTHER BUSINESS**

a) **Bulls Hollow**

A paper was circulated outlining a proposal for deregistering from Village Green status the area around Bulls Hollow Cottage and registering the rest of Still Green as a replacement. The proposed area for deregistration is 0.76 acres, and the proposed area for replacement is 0.848 acres.

The Warden made the point that the replacement area is undesirable as it floods and has major drainage problems, has no vehicle access and would be expensive to maintain. He also pointed out that the integrity of the Common is important for wildlife, and a further clearance at Bulls Hollow would reduce and disrupt free movement.

Targetfollow pointed out that Still Green is used by the public whereas the area around the house is not as it looks like a private garden.

It was also pointed out that the Conservators do not have the authority to take on any area not set out under the County of Kent Act 1981, and that the Clerk would need to consider the legal implications.

RESOLVED. To defer any decision to the meeting on 24 March when Targetfollow will bring maps of the areas in question.

b) Inner London Road

The Warden reported that South East Water wish to lay new pipes under the grass for the length of Inner London Road. He has met an expert, William Everett, who has been retained by Targetfollow to act on their behalf, and is willing to work on behalf of the Conservators too, taking his payment from South East Water. He is discussing with them the possibility of boring beneath the surface rather than digging up the grass, but there would need to be four manholes installed. It is not yet clear whether these can be buried below the surface or would need to sit on the surface.

Mr Everett has also offered to act for the Conservators over the problems at Lower Green Road, with a similar fee arrangement.

RESOLVED. To appoint William Everett to act on behalf of the Conservators to liaise with South East Water at Inner London Road and Lower Green Road.

c) Common View

The Warden met a representative of Virgin Media, who wish to lay cable in Common View. They intend to dig up the footway rather than the grass verge, but wish to keep their equipment on the Common. They have agreed to put everything on boards and make good any damage. The Warden is trying to get funding from them for installing posts at the end of Common View where parkers are causing great damage.

d) Easements

Mrs Blackburn asked Targetfollow, on behalf of residents adjoining Rusthall Common, why they had all received letters requesting that they arrange an annual licence to access their property even though these properties have been accessed for many years without such a licence. This has caused considerable upset.

Targetfollow replied that they have been approached many times by solicitors enquiring about rights of access and feel that it is important for the Commons to have consistency and that any rights over the land are properly documented. Accordingly they have written to householders to discover what they think their rights are. Targetfollow believe that some people have rights of access already, some have wayleaves and some currently have no rights. It is for the benefit of both the Commons and the adjoining owners that these rights are documented.

e) Settlement with Dandara

The Clerk was asked to clarify the agreement with Dandara over the Union House land swap.

15. **ALDI PLANS**

Aldi are consulting with the public over plans, not yet submitted to the planning department, to develop their land at Eridge Road into a supermarket. As this will necessitate the building of a right turn lane on the A26, they wish to reduce the width of the grass verge to allow the road to be widened. They intend to close one of the existing accesses and lay this down to grass while widening the remaining two. The total area of grass will be reduced by 109sqm.

The question was raised whether Aldi required the road widening or KCC, as the Conservators have no right to prevent the latter if it is required for a road scheme.

It was stated that the area would still be Common even if covered in tarmac, so the question of land swaps did not arise, although some compensation would be needed if it is permitted.

Although this would not involve a land swap, the point was made that the Conservators should think very carefully about the principle of land swaps, as the Commons are under threat.

RESOLVED. To wait until a Planning Application is submitted before making a decision.

The next meeting will be held at **2.00 p.m. on 24 March 2016.**