

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Thursday 25 January 2007**

Present: Councillors Scholes and Wakefield

Messrs Butler, Hall, Chapman, Butt, Freeman and Marshall  
Baron Nicolas van den Branden

Mrs Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common) attended by invitation. Katharina Mahler-Bech (observing)

Apologies for absence were received from Sue Potts and Councillor Mrs Cobbold

### **MINUTES**

#### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1982 it was noted that the Conservators were required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Geoff Butler, representative of the Manor of Rusthall, be appointed as Chairman until the annual meeting of the Conservators in January 2008.**

#### **MR BUTLER IN THE CHAIR**

The Clerk thanked Councillor Wakefield on behalf of the Conservators and Officers for his year as Chairman and expressed their gratitude to him for holding the fort during a difficult and interesting year.

#### **2. MEMBERSHIP**

The Chairman reported that the under mentioned Conservators had been appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council:

Councillor Mrs Lewis	)	
Councillor Mrs Cobbold	)	December 2006 to February 2008
Councillor Scholes	)	
Councillor Wakefield	)	

Freehold Tenants:

Mr G Butt	)	
Mr M Chapman	)	1st year of three year term until
Mr P Freeman	)	31 December 2009
Mr I Marshall	)	

Manor of Rusthall:

Baron Nicolas van den Branden	)	
Mr G Butler	)	1st year of three year term until
Mr C Hall	)	31 December 2009
Mrs S Potts	)	

The Clerk introduced and welcomed Ian Marshall as the new Conservator nominated by the Freehold Tenants. He thanked the retiring Conservator, Nick Hill, who had served since March 1988, for his contribution, particularly in connection with setting up the Conservators' support in its present form. He was also instrumental in welcoming the involvement of the Friends of Tunbridge Wells and Rusthall Commons and setting up and progressing the Management Plan. The Clerk added that the office would write to thank him on behalf of all the Conservators.

**3. DATES OF FUTURE MEETINGS 2007/8**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.30pm on the following dates:**

22 March 2007  
21 June 2007  
6 September 2007  
24 January 2008

**4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 7 September 2006 were considered and approved.

Matters Arising

- a) Alcohol Control Zones. The Warden clarified that police have powers to remove people who are drinking in these zones, and reported that the zones appear to work, but that they do not extend far enough. The Head of Community and Corporate Planning for the Borough Council has confirmed that the zones will be evaluated during 2007 and has agreed to look at appropriate action that might be taken in the Wellington Rocks area.
- b) Position of Councillors. The Clerk confirmed that in any matter that may come up before a Council Committee on which they sit, Councillors must make a

choice over whether to participate in discussion and voting in Conservators' or Council Committee meetings as they cannot do both.

- c) Street Lighting. No decision will be taken by the Manor of Rusthall until their Trustees' meeting in February.
- d) Parking on Tea Garden Lane. This is being checked by Kent Highways.
- e) Belleville. The Warden reported that he had settled the issue amicably with the householder.
- f) Mount Edgcumbe signs.

**RESOLVED. That a fingerpost will be allowed on Castle Road North, and an additional sign can be fixed to the existing post on Mount Ephraim.**

- g) Environmental Stewardship. The Warden reported that Kent Wildlife Trust has agreed to help with the application for a cost of £1,762.50, a significant reduction on the previous quote from CLM. As Defra will pay £1,035 towards the cost regardless of the outcome, the risk to the Conservators, if the application is unsuccessful, would be little more than £700. However the benefits could be as high as £7,000 - £8,000 p.a. for ten years. A preliminary meeting would be held with Defra to assess the likelihood of an application being successful before it goes ahead. The Warden warned that Defra may eventually require a move towards grazing in return for the grant.

**RESOLVED. To proceed with the application with the assistance of Kent Wildlife Trust.**

- h) RPA. The appeal has been refused, but Kent Wildlife Trust feel that the Conservators have a good case, and the Warden therefore intends to submit a further appeal.
- i) All ability trail. The Warden reported that the Council only give grants for capital projects, not maintenance, and the Access Committee are unable to give any financial help.

**RESOLVED. That the Council should again be approached for funding.**

- j) Motorcycle signs. The signs have been made but not yet put up.
- k) Website. The new management system is in place but has had a few teething problems. These have mostly been resolved, and a major overhaul is proceeding.
- l) Railings and lighting at Chalybeate Spring. The Council have agreed to remove the disused lighting but it has not yet been done. The railings near Vale Road have not yet been repainted as neither the Borough Council or County Council accept responsibility. The matter is ongoing. Mrs Blackburn reported that the Friends will restore the railings around Queen Anne's Oak and Toad Rock this year.

- m) Major Yorks Road roundabout. The Clerk has been in touch with the Chief Executive of Kent County Council who says the issue is being dealt with. However, the Manor are making little progress on the matter and requested the Clerk to pursue the matter with the County Council and Cripps Harries Hall. In the meantime the Manor are continuing to refuse any future road improvement plans.
- n) Fir Tree Road. Although the County Council has agreed to put up No Through Road signs, none have been installed. The Conservators wished to put it on record that they believe a serious accident is inevitable if no action is taken by the Council. Councillor Scholes offered to log it as a safety problem, which should result in action being taken.

## 5. MINUTES OF THE COMMITTEE MEETING

The minutes of the Committee Meeting held on 8 December 2006 were considered and approved.

### Matters Arising

- a) It was reported that the five year grasscutting contract had been awarded to Isle Landscapes.
- b) Job descriptions. The Clerk's job description states that appraisals should be conducted by the Chairman, so it was suggested that they should be held towards the end of the year, when the Chairman will have been in the role for some time. The Conservators agreed that appraisals are not necessary every year, but would be needed in the first year to ensure that the new job description is working, and should be conducted by the Committee, not just the Chairman. The Treasurer's job description was accepted and it was agreed that the Warden's job description should be reviewed and updated.

**RESOLVED. The committee to hold appraisal of Clerk's role before the end of the year.**

## 6. WARDEN'S REPORT

- a) Works. The weather stopped flailing earlier than planned, but an early cut will be made between the Fairground Car Park and Cabbage Stalk Lane. The programme to remove the most dangerous trees has ensured that there have been few problems on the main roads after the high winds, but there have still been a number of emergency call outs with the resultant cost implications. The question of liability where damage has been caused to utilities by falling trees was raised. If the Conservators are liable for this damage, steps should be taken to minimise risk, such as clearing around telegraph poles.

The volunteers from the Friends were thanked for the clearance work they have undertaken and for offering to replace worn out tools.

The extensive network of bike jumps on both Commons has been flattened, but they have started to appear again, and will continue to be flattened two or three times a year. This is expensive, but required to keep the situation under control.

**RESOLVED. To install signs warning mountain bikers that it is against the bye-laws and they do so at their own risk.**

**RESOLVED. Clerk to discover whether it would be legal to grant permission for mountain bikers to use part of the Common for bike jumps. If so, the Conservators will investigate insurance and other implications.**

- b) 83 London Road. The Warden reported that the driveway has been widened in accordance with the permission granted in 2003, and the posts replaced, but the residents would prefer to install metal posts and chains.
- c) The Mount. The Warden reported that there has been severe damage to the verge opposite the entrance to the Mount, caused by people parking their cars all day too close to the entrance. Kent Highways and the Borough Council have been asked to paint temporary double yellow lines either side of the entrance, but neither body accepts responsibility for doing so. The Site Manager has agreed to do temporary repairs as soon as the weather allows, with full restoration at the end of construction. The Warden also confirmed that he will speak to the site manager of Manor Gate, where construction has also damaged verges.
- d) Future works. The roadside tree programme will start shortly near Tea Garden Lane and work specified by Highways will be carried out. The Warden confirmed that he will start to issue more detailed future plans which will also be published on the website.

## **7. ALLOWANCES AND EXPENSES**

The Treasurer submitted the report which showed allowances and expenses for the Clerk and Treasurer from 1 April 2005 with recommendations for RPI increases from 1 April 2006.

**RESOLVED – the recommendations were approved.**

## **8. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 2 2006/7 showing total payments of £60,157.71 and receipts of £56,012.13.

The Warden was asked if the continued garage rental was good value, and he confirmed that a storage space was required for the tools, and the garage was the cheapest way of doing this. He informed the meeting that the annual grant of £2000 from English Nature could not be relied upon since they had been reorganised as Natural England with a smaller budget.

**RESOLVED – that the report be approved**

**9. PROPOSED BUDGET AND PRECEPT 2007/8**

The Treasurer presented the report. He pointed out that he had estimated the increase required in items subject to inflation, and that salaries are linked to the National Local Government Settlement due in April. They are seeking 5% but the budget allows for 3.5%. He also pointed out that although an external audit is no longer required, good financial control requires an internal audit, which is carried out and charged for by the Borough Council. An amount has been entered under miscellaneous to allow for the cost of applying for an Environmental Stewardship grant and, if this can be done more cheaply, the balance can be used towards the cost of resurfacing the all ability footpaths. The tree budget has been increased as that is to be the focus this year. There is an amount set aside for contingencies, as this allows for uncertainty within the budget, and maintains the reserves for the genuinely unexpected.

The Treasurer informed the meeting that the proposed increase in the Precept is 3%, which is roughly in line with inflation.

**RESOLVED – that the proposed budget and the precept of £112,000 be approved.**

**10. OPEN SPACES POLICY**

The Clerk presented the first draft of the proposed Open Spaces Policy incorporating, as far as possible, the views of the Conservators. The question of applying for a premises licence was discussed, as this would be one way of conducting a consultation with residents and establishing what the Licensing Committee would permit. The terms could then be incorporated into the policy. The disadvantage, however, is that it may appear to indicate a willingness on the part of the Conservators to hold more events than they intend.

**RESOLVED. The Clerk to investigate what is involved in applying for a premises licence and inform Conservators before the next meeting.**

The draft policy was discussed and some amendments made. The issue of profitability was thought not to be an issue, as the criteria for agreeing events would automatically exclude any organisation whose motive was profit making.

**RESOLVED. The 2<sup>nd</sup> draft of the Open Spaces Policy to be circulated to Conservators and, if any issues arise, a Committee Meeting should be held to resolve them before it is sent for consultation.**

**RESOLVED. The approved 2<sup>nd</sup> draft to be sent for consultation to the Friends of Tunbridge Wells and Rusthall Commons, the Town Forum, the Inner London Road Residents Association, and placed on the website.**

## **11. CYCLING EVENT**

The Southborough and District Wheelers cycling club has asked permission to hold an event on the Lower Cricket Pitch around the time of the Tour de France. The Conservators felt that it was the type of event they should encourage if no damage will be caused but the Warden thought this unlikely, even in dry conditions. It could also signal that the Common is open to cyclists. It was pointed out that the club's insurance would need to cover everyone, not just participants.

**RESOLVED. That the Warden should discuss the plans with the club, and the Warden and Clerk should jointly be empowered to grant permission if they consider it appropriate. A Committee Meeting can be held if further consultation is required.**

## **12. FIR TREE ROAD CAR PARK**

A commercial company has offered to take over the management of the car park as it difficult to maintain and a drain on resources. The Manor representative pointed out that it was not really a car park, just an area of the Common that the Manor had allowed the Cricket Club to use for their cars, and that if a charge was made, it would belong to the Manor or the Cricket Club.

It was suggested that notices could be put up warning car drivers that they use the area at their own risk.

**RESOLVED. That permission be refused.**

## **13. PLANNING APPLICATIONS**

Rusthall Elms and Middlefield – construction of 57 dwellings. Letter of concern over potential damage to Common by construction traffic sent to planners and developer.

Bredbury House, 77 Mount Ephraim – new block of 6 apartments. Letter of concern over potential damage to Common by construction traffic sent to planners and developer.

Quint House, Nevill Park – demolition of existing house and construction of replacement. No comment

Linden Park Cricket Club – replacement pavilion. Letter of support sent.

Car Park, Common View – construction of 4 houses. No comment. Subsequently withdrawn.

Dingley Dell, Rusthall Road – demolition of existing house and construction of replacement. Concern raised over damage to Common.

Summit Hotel, 57 Mount Ephraim – conversion to 6 flats. No comment.

**14. ANY OTHER BUSINESS**

- a) Breathing Spaces grant. The Warden informed the meeting that he had applied for a grant from the Big Lottery Fund for £12,000 to scallop the woodland edges around the racecourse, but was not expecting to be successful.
- b) The Warden reported that he has received a proposal to turn the building by the Fir Tree Road Car Park into an Environmental Education Centre. As the building was far too small to be useful and was now filled with rubble he felt that the proposal was unrealistic. It was suggested it could become a bat refuge.

**RESOLVED. That permission be refused.**

The next meeting is to be held at 2.30 p.m. on 22 March 2007 in the Council Chamber.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Thursday 22 March 2007**

Present:

Councillors Scholes, Wakefield, Mrs Cobbold and Mrs Lewis  
Geoff Butler (Chairman), Sue Potts, Mungo Chapman, Gordon Butt, Peter Freeman and Ian Marshall

Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common) attended by invitation.  
Katharina Mahler-Bech (observing)

John Cunningham and Gill Twells from the Civic Society

Apologies for absence were received from Christopher Hall

### **MINUTES**

#### **1. CIVIC SOCIETY**

The Clerk introduced Mr Cunningham and Mrs Twells from the Civic Society who outlined three separate plans for the improvement of Tunbridge Wells which involve the Commons.

- a) The Civic Society wishes to convince Highways to install a second crossing from Tunbridge Wells Common to the Pantiles. The purpose is to encourage more people to visit the Common and the Cold Baths. This would require a footpath on the Common side of London Road. They have spoken to Brian Hayward from the Borough Council, who was encouraging but pointed out that they are bound by KCC rules. It was suggested that a crossing from the fairground car park across Major Yorks Road would also be an improvement. The Conservators indicated that they were in favour of the proposal in principle, as is the Manor, as it is difficult all round the Common to cross safely.
- b) As 2009 is the centenary of the grant of the Royal title, the Civic Society wishes to ensure a fitting memorial is erected. They suggest a brick and stone, semicircular structure on Mount Ephraim overlooking the Common and town, with a brass plaque identifying all the notable sights. This may require the cutting back of a few trees and the possible removal of one or two. They also suggested a Centenary Walk parallel to Mount Ephraim. The Warden pointed out that the site by the bench was originally a viewpoint, but is now blocked by sycamores, and that there was an esplanade in Victorian times, but the view of this would now be blocked by parked cars. He also pointed out that the top of the Common is a particularly polluted area. The Council are in favour of the plan in principle but there is no agreement on funding, which should include maintenance. The Civic Society plan to ask a member of the Royal Family to

open it in early summer 2009. The Conservators indicated that they were in favour of the proposal and wish to be included in further discussions.

- c) The Civic Society want to apply for a lottery grant, and any other grants that may be available, to restore the Happy Valley and High Rocks area to the popular and well used amenity it was in Victorian Times. This would include part of Rusthall Common including the 101 steps and nearby rock outcrops. As this would be a large project including the commercial ventures at High Rocks and the Beacon, and extending into two counties, the Conservators would wish to restrict their involvement to the plans for the Common only. They indicated that they supported the proposal in principle.

## **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 25 January 2007 were considered and approved.

## **3. MATTERS ARISING**

- a) Alcohol Control Zones. The Warden confirmed that there has been no further progress. Further discussion was held under 4(f) below.
- b) Motorcycle signs. These will be erected shortly.
- c) Lighting at Cold Baths. This has not yet been disconnected but is in the Council's work plans.
- d) Parking on Tea Garden Lane. The Warden has arranged a tree trunk to block the side of the road where a lay-by is being created by fly tippers, and plans to lay down further tree trunks to prevent cars encroaching on the Common as they become available.
- e) Street lighting and telecoms masts. The council have now agreed to continue to maintain street lighting on unadopted roads, so this issue is resolved. The Manor representative indicated that they have still not discussed the issue of telecoms masts.
- f) Fir Tree Road. A No Through Road sign has been mounted at the bottom of Fir Tree Road on the right, but is not very visible. A sign on the left has been promised by KCC.

## **4. WARDEN'S REPORT**

- a) Works. The programme to scallop the woodland edges has begun with the stretch from Tea Garden Lane to the edge of the Common as this was the area most in need of attention. The Natural England grant of £2000 has been spent on scrub clearance at the Denny Bottom SSSI with additional help from volunteers. The bike jumps at Bulls Hollow have been flattened again, but are getting more and more ambitious. The volunteers have cleared the area between Wellington

Rocks and Victoria Grove to extend the glade. Some large camps, unusual so early in the year, have been cleared with the rubbish removed by the Cleaner Borough Unit..

- b) Southborough Wheelers have withdrawn their application for a cycling event as permission to hold the grass event was refused.
- c) Grant applications. Applications to the Big Lottery Fund for woodland edges at the racecourse, and to the Borough Council for the all ability trails. have been submitted but not yet considered. A further formal appeal has been submitted to the RPA. It is not clear whether the annual grant from Natural England is to be made for a further ten years and is being pursued.
- d) No further progress has been made on the Higher Level Stewardship application following a meeting with Natural England representative which was not encouraging. The Warden is to have further discussions with Neil Coombs from Kent Wildlife. Some rare bees have been spotted by Ian Beavis and this will be included in discussions with Natural England.
- e) Highways invoice. An unacceptable high invoice has been submitted by KCC for concrete blocks which were temporarily used to block access to Rusthall Common for travellers. It is being challenged.
- f) Work schedule for next quarter. The Warden presented a spreadsheet showing the work that was coming up. He confirmed that a new bench costs £250 including installation. A sign is to be erected at Fir Tree car park warning of the uneven surface and that users do so at their own risk. The grass cutting has started and, although looking messy because the grass was very long, went well and is expected to continue without problems. The rest of the fallen timber will be cleared after the gales have finished in the next couple of weeks. It has been a difficult and expensive year for fallen trees so some of the final clearing will wait until after April 5 to fall into next year's budget. It was pointed out that there is a significant gap onto the Lower Cricket Ground from near the Mount Edgcombe where traveller could gain access. The Warden is aware and will look into installing posts or placing tree trunks.
- g) Litter. The problem of litter around the Forum and Wellington Rocks is now so bad that most of the litter clearing budget is swallowed up by these areas while other paths are neglected. As this is largely a result of youngsters being pushed out of the town centre and on to the Common by the enforcement of the Alcohol Control Zones, the Warden suggested that the Borough Council should be approached to either take responsibility for clearing these areas or to increase the precept to enable the Conservators to deal with it satisfactorily. The Conservators also wish another approach to be made to the Council to extend the Alcohol Control Zone to cover the whole of Tunbridge Wells Common. Both KFC and the Forum used to do voluntary clearing of the area beside the Forum, but stopped when their volunteers were attacked, but it was suggested that they, and the off licence, could be approached for financial assistance. The Forum should also be encouraged to erect a litter bin by the steps and take responsibility for emptying.

**RESOLVED. The Officers to the Conservators to meet with police and other relevant bodies to try to reduce the problem, extend the Alcohol Control Zone, and calculate the extra costs to present to the council in support of an application to increase the precept.**

**5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2006/7 showing total payments of £17,542.67 and receipts of £254.49. He stated that the report showed no real changes. He confirmed that the end of year invoices are being chased

**RESOLVED – that the report be approved**

**6. OPEN SPACES POLICY**

This has been circulated to the Friends who are happy with it, and to the Inner London Road Residents Association who want the sale of alcohol to be limited to the duration of the event. The Town Forum is to discuss it at their next meeting.

The position of the Manor of Rusthall was discussed and it was agreed that no useful purpose would be served by pursuing whether or not the Conservators need the permission of the Manor before an event to take place as an occasion has never arisen where this has been an issue. In practice the current arrangement whereby anyone wishing to mount an event seeks the permission both of the Conservators and the Manor will continue. The question of whether it should be included in the policy is to be deferred until the next meeting when the final wording of the policy is to be agreed.

Cllr Scholes confirmed that the Borough Council Open Spaces Policy has not yet been agreed as they have been busy with a CPA inspection, which is now complete.

The Clerk reported that he had had a meeting with Anthony Garnett, the Licensing Officer, who has offered to assist with any application and attend a Conservators' meeting if required. An entertainment licence would allow live and recorded music and dancing. A separate licence would be required for the sale of alcohol.

The advantages of a premises licence would be that the need for individual applications, and consequently for consultation on every occasion, would be avoided as it would last the lifetime of the applicant. Also it would express the outer limits of what would be acceptable and would become part of the policy. The disadvantages would be that it will require a great deal of work and it may lead to bad publicity as an application could be misinterpreted as an intention to hold such events. It may also prove impossible to frame an application that would cover all the types of event that may be held.

**RESOLVED. Not to apply for a premises licence. The Clerk to write to Anthony Garnett to thank him for his assistance.**

**RESOLVED.** The Clerk to write to the Manor's agent for clarification of their position.

**RESOLVED.** To amend the policy to read "excessive sound amplification" rather than "unlimited", and "traditional events including the fair".

**7. HOSPICE IN THE WEALD 10K RUN**

An application has been received to stage a 10K run similar to the event held last year. They will require gazebos to dispense refreshments and water.

**RESOLVED.** To grant permission subject to the organisers removing all rubbish.

**8. MAJOR YORKS ROUNDABOUT**

As a KCC councillor, Cllr Scholes declared an interest and left the room. The Clerk reported that he had spoken to a solicitor at Cripps Harries Hall who had explained that the delay was caused by a complicated exchange of land for which KCC did not have the relevant title documents. This could easily be resolved by making a statutory declaration of ownership. However, KCC have not responded to this proposal. The Clerk has again written to Peter Gilroy for assistance but has received no reply. He also confirmed that he has spoken to the Mayor who has agreed to speak to Keith Ferrin, Portfolio Holder.

Cllr Scholes then rejoined the meeting.

**9. WARDEN'S JOB DESCRIPTION**

The Warden left the room for this discussion. The Warden was reported to believe that the current job description is a fair reflection of his duties except for the requirement monitor and record flora and fauna for which he is unqualified. However, the Conservators agreed that he is extremely knowledgeable on the subject.

It also refers to the Health and Safety policy, but the Warden is unaware of one.

It was agreed that the job description should reflect all the things currently done by the Warden, but should not be too specific.

**RESOLVED.** To draw up a Health and Safety Policy using the Borough Council policy for parks and gardens as a guide.

**RESOLVED.** The job description to include the following:  
to act as manager to the Support Officer;  
to work alongside the Support Officer in dealing with correspondence, meetings and maintenance of the Conservators' website;  
to actively seek Grant Aid in conjunction with the Support Officer;

**to attend meetings outside normal hours with appropriate time off in lieu;  
to liaise with wildlife organisations to establish best practice;  
to assist in the monitoring of flora and fauna.**

**RESOLVED. To record the appreciation of the Conservators for the excellent work he does.**

**10. RUSTHALL ELMS**

Councillors Scholes, Wakefield and Mrs Lewis declared an interest and left the room for this item and item 11.

A letter has been received from Malcolm Dowd representing local residents. They wish to enlist the support of the Conservators in their objections to the Planning Committee about access for the new development. They want the current track to the Langton Road to be upgraded and serve as the main access for the development. The Conservators expressed the opinion that this would contravene their duty to preserve the Common free from encroachment and would set an unacceptable precedent. The Friends are also opposed on the same grounds.

**RESOLVED. To oppose the improvement of the current track from Langton Road into the main access road for the development.**

**11. PLANNING APPLICATIONS**

Cllr Mrs Cobbold declared an interest and left the room for this item.

Grange Cote, Bishops Down Road – car port. No comment.

**12. ANY OTHER BUSINESS**

The councillors all rejoined the meeting.

- a) The Warden reported that he had spoken to a builder about the materials he had been storing on the Common for work on a house in Sunnyside Road. The builder had written a letter of apology.
- b) Tunbridge Wells Orpheus Male Voice Choir.

**RESOLVED. To allow them to erect a board for two weeks at the entrance to St Pauls Church, Rusthall, advertising their concert.**

The next meeting will be held on 21 June at 2.30 p.m. in the Council Chamber.



## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Thursday 21 June 2007**

Present:

Councillors Scholes, Wakefield and Mrs Cobbold

Geoff Butler (Chairman), Sue Potts, Mungo Chapman, Gordon Butt, Peter Freeman and Ian Marshall

Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common), Malcolm Dowd and Gwen Dowd attended by invitation.

Katharina Mahler-Bech (observing)

Apologies for absence were received from Baron Nicolas van den Branden

### **MINUTES**

#### **1. RUSTHALL ELMS**

The Clerk explained that a new planning application for the development had been submitted to the Planning Department but, as it was incomplete, it was invalid. The Conservators will have three weeks in which to make their comments once it is valid.

He introduced Mr Dowd, representing residents from Langton Green, who addressed the meeting in place of Christopher Hough.

Councillors Scholes, Wakefield and Mrs Cobbold declared an interest and withdrew at this point.

Mr Dowd explained that the residents felt the demolition of a house in The Boundary to provide an access to the development at Rusthall Elms was not the best solution, as it would take traffic an extra mile through an unlit residential district not designed for the purpose, and there is already an access across the Common that could take the traffic directly out to the A264. As this should need only minor improvements to meet KCC standards (according to a Transport Assessment prepared by Bonhams for the Manor of Rusthall) and the amount of traffic using the track would be less than when it was a nursing home, the residents believed that the impact on this part of the Common would be minimal and the access should therefore be kept open.

Mr Dowd expressed the hope that the access could be discussed at a meeting with all interested parties including TWBC Planning Department, the developers, KCC Highways, the Manor of Rusthall and the Conservators.

**RESOLVED. When the Planning Application is valid the Conservators will hold a full meeting to agree their response unless a quorum cannot be achieved, in which case a Committee Meeting will be held instead.**

The Councillors then rejoined the meeting.

**2. HERITAGE OPEN DAYS**

Katherina Mahler-Bech asked to address the meeting. On behalf of the organisers of the Heritage Open Days she requested permission to fix a banner at the corner of the Lower Cricket Ground at the London Road/Church Road junction from 31 August – 11 September to advertise the Open Days. The event is non-profit making. The Warden informed the meeting that he is planning to hold Commons walks as one of the events.

**RESOLVED. To allow the banner to be placed as requested subject to the organisers obtaining permissions that might be necessary from any other bodies such as the Manor of Rusthall and Kent Highways.**

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 22 March 2007 were considered and approved.

**4. MATTERS ARISING**

- a) Motorcycle signs. These have now been erected.
- b) Lighting at Cold Baths. As far as the office is aware, this has not yet been disconnected.
- c) Fir Tree Road. The Words No Through Road have now been painted in large letters on the road at the entrance, but vehicles are still ignoring the signs.
- d) Warden's job description

**RESOLVED. To accept the revised version sent out with the agenda subject to the wording of point 3 of the General Duties reading “....only with the authority of the Conservators.”**

**5. WARDEN'S REPORT**

Works. All works planned and set out in the last Work Schedule have been completed with the exception of the flail collector work which is due to begin next week and the flattening of bike jumps which have not been bad enough to require it. However, extensive excavation is beginning again so it is likely that the area at Bulls Hollow will be flattened shortly.

The Warden reported that the Borough Council has agreed to fund half the cost of the durable surface needed for the All Ability Paths and this will be carried out in July.

The stock of hawthorn benches has now been used up and an order has been placed for a new batch of ten bench ends. The Warden confirmed that the Conservators fund the purchase of the benches and then recoup most of the cost from members of the public who wish to install a commemorative bench. They are asked to pay £250 which covers the cost of the bench, installation and fixing the plaque.

The Warden reported that the Friends of Tunbridge Wells and Rusthall Commons had made a donation of £1,000 which was half the cost of closing up the doorway and windows of the old toilets near Fir Tree car park with sandstone leaving small gaps to create a bat refuge and hibernaculum. The space had been filled with clean rubble and strips of wood had been fixed to the ceiling and walls to provide roosts. This had been done with the advice of the Bat Group who had agreed to visit with bat detectors. An article should appear in the Kent and Sussex Courier shortly.

**RESOLVED. To express the gratitude of the Conservators to the Friends of Tunbridge Wells and Rusthall Commons for their continuing support.**

A work schedule for the next quarter was attached to the agenda showing that the main work, apart from regular grass cutting, would be the maintenance of wildflower areas and spraying areas of bracken with Asulox. The Warden has been pleased with the results of spraying in previous years. Mr Butt agreed to check if the Freehold Tenants had offered to pay for the clearance of the rocks at St Helena after the bracken has been sprayed.

The Warden agreed to speak to the new owners of the Spa Hotel about cutting the grass in front of the hotel as the old owners used to do.

Asked about the new Contractors he replied that they were not yet doing as good a job as the previous ones, but he was working with them to make improvements. The roadside edges are not being properly strimmed, particularly noticeable in Major Yorks Road, but this is being rectified.

**6. FINANCIAL STATEMENTS AND ACCOUNTS**

The Treasurer submitted Financial Statement No 4 2006/7 showing total payments of £9,714.38 and receipts of £308.83. He pointed out that the payment to Bridgland for litter collection Jan-Mar covered only one month but an invoice for the other two months has now been paid.

He also submitted the Account for year ended 31 March 2007 with the balance sheet and notes to the accounts. He pointed out that there was a shortfall in staff costs because the budget had been set too high. The audit fee was low because of the accrual from the previous year. He read a letter from the Borough Council auditor stating that the audit was complete and the “control assurance level appears to be substantial.”

Where expenditure has exceed the budget this has been due to work approved by the Conservators, especially clearance work, and because the contribution promised by English Nature (who authorised the work) has not been paid.

Finally he submitted Financial Statement No 1 2007/8 which mostly shows accruals from the previous year.

In answer to a question on the level of reserves required, he told the meeting that the reserve amount needs to be substantial as the uncertainties that cannot be budgeted for, such as travellers or storms, are unquantifiable and could prove extremely expensive.

**RESOLVED – that Financial Statement No 4 2006/7, Income and Expenditure Account and Balance Sheet for 2006/7 and Financial Statement No 1 2007/8 be approved.**

## **7. LITTER**

The Clerk informed the Conservators that the growing popularity of Wellington Rocks as a drinking spot for young people and the subsequent breaking of bottles all over the rocks is becoming a serious issue. Although litter is unsightly, the broken glass is extremely dangerous especially in view of the fact that the rocks are used by small children as a playground. He expressed the view that keeping the rocks clear is a fundamental duty of the Conservators.

He reported on a useful meeting with Council representatives on the possible extension of the Alcohol Control Zone. The office will supply them with evidence of the problem to present to the Home Office in the Council's application for the extension.

Councillor Scholes expressed his concern. He will ask the Council to consider how to deal with the issue and get a representative to speak to the Warden, but stated his intention to abstain from any vote on the issue as this might present a conflict of interest for him.

The Warden reported that, on patrol with the police, he observed 150 youngsters at the rocks by 8.00 pm. He and the Support Officer have been involved in cleaning up at the weekend while Gary Bridgland and two of his operatives spent 6 hours clearing up the previous Saturday, and nearly as long the next day.

He reported that the contract for litter clearance, drawn up in 1996, specifies the cleaning of the rocks and the area around the Forum every morning in the summer and 5 mornings per week in the winter, including both weekend mornings, as well as frequent patrols of the paths and other areas. However, it was never expected to cover the current levels of glass and litter. The contractor, Gary Bridgland, was prepared to continue the contract and, if offered a five year contract, investigate possible machinery to do the job more efficiently. He estimated that the cost would be an extra £10,000 p.a.

The experience of Chichester Borough Council was raised, where they had succeeded in moving drinkers out of the Cathedral precinct by offering them an alternative venue. The Warden advised the meeting that the police were trying to move the youngsters to Calverley Grounds, but this had not proved very successful.

**RESOLVED. To authorise the application to the Council for an extension of the Alcohol Control Zone and an application for extra funding to cover the increased cleaning costs.**

**RESOLVED. The Warden to negotiate a variation of the contract with G Bridgland to deal with the increase in glass and litter.**

**RESOLVED. To express the Conservators' gratitude to the Warden and Support Officer for their efforts.**

## **8. GRANTS**

As reported in Item 5, a grant has been awarded by the Borough Council for half the cost of a new surface for the All Ability Trail.

However, the Warden reported that the application to the Big Lottery Fund has been unsuccessful and the appeal to the Rural Payments Agency over the Single Payment Scheme has been refused.

No reply has been obtained from Natural England on the question of Higher Level Stewardship despite reminder letters and, as reported by the Treasurer, the promised £2000 has not been sent.

## **9. OPEN SPACES POLICY**

The Town Forum had raised the question of whether, under the policy, Linden Park Cricket Club could still hold fund raising events. However, as they lease the land direct from the Manor, they will be unaffected by the Conservators' policy.

**RESOLVED. To adopt V3 of the policy subject to an amendment referring to the County of Kent Act 1981.**

## **10. HEALTH AND SAFETY**

A recent meeting with Jeff Kempster of the Parks Department had given a clearer idea of what is required. A policy and policy statement is required, as well as risk assessments. Whilst these can be drawn up by the office, the Warden pointed out that it will be extremely time consuming. He referred to a number of Commons Conservators around the country that have recently formed a group to exchange information, which may be a useful source of templates. Mrs Blackburn advised the Warden that a member of the Friends, Simon D'Albertanson, is a Health and Safety expert.

**11. CHILDREN'S CRICKET FESTIVAL AND RUSTHALL BONFIRE**

**RESOLVED.** To allow both events to go ahead subject to the Conservators being indemnified against any damage or accidents, and the organisers providing proof of PLI and risk assessments.

**12. MAJOR YORKS ROUNDABOUT**

The Clerk referred to the letter from Peter Gilroy attached to the Agenda which makes it clear that the exchange of land between the Manor and KCC is more complicated than previously understood, and suggested that the Conservators had done what they could to assist the resolution of the matter.

However, the piece of land which was supposed to have been returned to grass is the Conservators' concern, and further representations should be made to try to prevent the area being used as a car park, with the consequent damage to the Common.

**RESOLVED.** The Clerk to arrange a meeting with a KCC representative, Clerk, Warden and Peter Freeman.

**13. TELECOMMS MASTS**

The Manor have not yet discussed the matter.

**14. PLANNING APPLICATIONS**

Councillor Scholes declared an interest and left the room.

Car Park, Common View, Rusthall – construction of 3 houses. No comment  
39 Eridge Road – Driveway and dropped kerb. No comment  
Quint House, Nevill Park – Resiting of garage. No comment

**15. ANY OTHER BUSINESS**

The Warden reported that he has been approached by Highways who are trying to alleviate the current parking problems in Common View.

**RESOLVED.** To permit the marking of parking spaces in Common View.

The next meeting will be held on 20 September at 2.30 p.m. in the Council Chamber

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Thursday 20 September 2007**

Present:

Geoff Butler (Chairman)  
Councillors Scholes and Wakefield  
Sue Potts, Mungo Chapman, Gordon Butt, Peter Freeman and Ian Marshall

Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common) and Christopher Hough attended by invitation.  
Malcolm Dowd, Gwen Dowd and Peter Dunning (observing)

Apologies for absence were received from Baron Nicolas van den Branden, Christopher Hall, Cllr Mrs Cobbold and Cllr Mrs Lewis

### **MINUTES**

#### **1. RUSTHALL ELMS**

Councillor Scholes declared a personal interest and withdrew before discussion started. Councillor Wakefield declared an interest as a member of the Western Area Planning Committee but intended to listen to the discussion, although not take part.

The Clerk explained that a new planning application for the development had been submitted, and introduced Christopher Hough, Agent to the Trustees of the Manor of Rusthall, who wished to address the meeting.

Mr Hough outlined the concerns of the residents over the planned access on the grounds of safety, noise, and sustainability. He told the meeting that, if there were a viable alternative access to the development, this would be a material concern for the Planning Committee and they would have to take it into account. He stated that, according to KCC Highways, the minimum width for an access road serving this number of dwellings would be 4.8m with a shared surface to allow for pedestrians as well as cars, not the 9.5m including two footpaths as quoted in the planning application. Therefore the old access to Rusthall Elms could be adapted to meet the standard without taking much more of the Common, although some trees may be affected and the roadway would need to be lit across the Common. This would benefit the Conservators as the developers would pay for the improvements to the roadway and the area immediately adjoining it, and there would be a cash consideration that could be spent on further improvements to the Common in that vicinity. The sum could not be quantified as the developers had not made an offer, but could be substantial if they were then able to resell the house in the Boundary, currently earmarked for demolition. He made it clear that a decision needed to be reached immediately; once planning permission is granted, the opportunity to consider the alternative access will be lost.

The Warden raised the possibility that the Conservators could be liable for the maintenance of any new roadway across the Common.

Mrs Blackburn stated that there is a great deal of disquiet among the local residents at the possibility of part of the Common effectively being sold, as well as over access and parking. The Clerk pointed out that the duty of the Conservators under the County of Kent Act 1981 is to protect the Commons from encroachment, although some encroachments have been allowed in the past where judged to be in the public interest.

It was observed that, of the seven Conservators still present, one was not taking part in the vote and four of the remaining six were Freehold Tenants who have a potential conflict of interest. However, as all Conservators have conflicts of interest for different reasons, this was not believed to be a material consideration.

The Freehold Tenants withdrew to consider their position and then rejoined the meeting.

**Motion 1, proposed by Geoff Butler and seconded by Ian Marshall:  
the Conservators have no objection to the plans as they stand.  
CARRIED By four votes to nil. Two abstentions.**

**Motion 2, proposed by Geoff Butler and seconded by Ian Marshall:  
the Conservators will not permit the existing access across the Common to be  
widened and used as the primary access to the development.  
CARRIED By four votes to nil. Two abstentions.**

Councillor Scholes then rejoined the meeting.

## **2. SALE OF THE COMMONS**

Councillor Scholes declared a prejudicial interest on written legal advice and left the meeting. The Clerk asked Mr Hough to remain for the discussion.

The Clerk informed the meeting that he had written to CBRE, agents for the sale, outlining the relationship between the Conservators and the Manor of Rusthall and offering to meet any potential purchaser. He is concerned to ensure that there is no misapprehension on the part of the new owner about the role of the Conservators, and no expectation of rights that cannot be fulfilled. He had received a favourable reply.

Mr Hough confirmed that the sale details would be available from mid October.

Mrs Blackburn informed the meeting that a Commons Co-ordinating Group had been formed, with representatives from the Friends of the Commons, the Town Forum and the Civic Society. They had met a group of TWBC Councillors and officers including Roy Bullock, the Leader of the Council and, in a separate meeting, two KCC Councillors. She reported that there was a great deal of council support for taking the Commons into local public ownership.

**RESOLVED. The Clerk or Warden to join the Commons Co-ordinating Group.**

The meeting expressed some disquiet that, if the Borough Council became the new owners, they would effectively have control of the Commons as they would be responsible for appointing eight of the twelve Conservators.

Councillor Scholes rejoined the meeting.

**3. TELECOMMUNICATION MASTS**

The Clerk asked Mr Hough for the Manor's view on the desirability of allowing masts to be erected on the Commons as this matter has been outstanding for some time. Mr Hough informed the meeting that the Conservators appointed by the Manor of Rusthall are independent and their role is to further the interests of the Commons. They are therefore able to express a view on the matter regardless of the Manor's opinion. He pointed out that, if the Conservators are opposed to such masts, the Manor's consent would be irrelevant

Christopher Hough and the observers withdrew at this point.

**4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 21 June 2007 were considered and approved.

**5. MATTERS ARISING**

a) Lighting at Cold Baths. This has now been disconnected.

**6. WARDEN'S REPORT**

All planned works detailed on the last schedule have been completed, including the resurfacing of the All Ability Trail. Next season's work is well underway.

Litter

The problem of broken glass on the rocks appears to have eased considerably in recent weeks and a new, permanent litter picker has just started. He has been equipped with a van, strimmer and hedgecutter, and will also deal with dog fouling. The original contract with G Bridgland Ltd is comprehensive but the rate agreed did not envisage the current levels of litter, so the Warden has negotiated a variation to the contract giving an annual increase in the region of £2,750. The Conservators will ask for an increase in the precept to cover this. The extra cost for the rest of this year will be around £1,500. Bridgland will also order dog bags direct in future which will add another £1,000 to the annual contract, although these are already budgeted for.

The Warden reported that the police have increased their patrols on key nights, and are supporting the application for an extension to the Alcohol Control Zone. Inspector Wilshaw has moved on, and his successor seems keen to contain the problem. The Warden intends to do some clearing around the toilet block, but not enough to turn it into an eyesore, and also clear scrub, fallen trees, etc close to the rocks. Councillor Scholes offered to become involved if this would help.

The Conservators agreed that the closure of Fir Tree Road had transformed the heart of the Common, and any suggestion that it be reopened should be resisted. It was suggested that the Conservators should write to the local paper if there is any more publicity in favour of reopening.

The meeting was asked whether the toilets should be removed as the Borough Council are planning to close toilets wherever they are not needed, but it was felt that they are useful for legitimate Commons users, especially children playing on the rocks. It was suggested that a public facility could be included in the new cricket clubhouse.

Sue Potts and Jennifer Blackburn left the meeting at this point.

The Warden reported that there had been a serious graffiti attack on Wellington Rocks and Mount Edgcumbe Rocks. This had been cleaned up as much as possible, although quite a bit of blue paint is still visible, but cleaning is impeded by the fact that the rocks are very soft, and total cleaning could do too much damage. The cleaning work so far has cost £600.

#### Funding

A response has finally been received from Natural England confirming that the Commons are not eligible for Higher Level Stewardship under the current guidelines, but that it may be possible to apply for Entry Level Stewardship. They have now paid the outstanding £2,000.

#### Pond Clearance

Both Bracken Cottage Pond and Marlpit Pond badly need clearing. This will cost around £700.

#### Benches

Four new benches have been ordered by members of the public and will be installed in the next few months.

### **7. ALLOWANCES AND EXPENSES**

**RESOLVED.** To approve the recommended increase in the allowances and expenses in line with the RPI change to March 2007 of 4.8%.

**8. FINANCIAL STATEMENTS AND ACCOUNTS**

In the absence of the Treasurer, the Clerk submitted Financial Statement No 2 2007/8 showing total payments of £23,324.5 and receipts of £3,879.91.

**RESOLVED – that Financial Statement No 2 2007/8 be approved.**

**9. ADVERTISING POLICY**

**RESOLVED. To adopt the policy as submitted.**

**10. MAJOR YORK'S ROUNDABOUT**

No reply has yet been received to the request for a site meeting.

**11. PLANNING APPLICATIONS**

Plant and Tools site – the Warden has written to the developer to clarify that the verge is Common land and cannot be altered in any way.

Oregon House, The Midway – no comment

**12. ANY OTHER BUSINESS**

- a) The Warden reported that he had held a walk for the Heritage Open Days, attended by around twenty people.
- b) He reminded Conservators that the Hospice in the Weald were having their Fun Run on 23 September 2007.
- c) Sale of the Commons. It was agreed that an Emergency meeting should be called when the facts are known to enable the Conservators to respond quickly.

The Clerk pointed out that any attempt to separate the title from the ownership of the Commons would be problematic, as the right to appoint Conservators is vested in the title. This has the potential for the Lord of the Manor to control one third of the Conservators without any interest in the Commons, leaving the owner of the Commons with no representation among the Conservators.

The possibility of issuing a press release showing that the Conservators are concerned to preserve the Commons for the people of Tunbridge Wells whoever owns them was discussed, but it was decided not to do so at present.

The next meeting will be held on 24 January 2008 at 2.30 p.m. in the Council Chamber

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in the Council Chamber on Thursday 24 January 2008 at 2.30pm**

PRESENT: Geoff Butler (Retiring Chairman)  
Ian Marshall (Incoming Chairman)  
Cllr James Scholes  
Cllr David Wakefield  
Christopher Hall  
Mungo Chapman  
Gordon Butt  
Peter Freeman

ATTENDING: Cllr Barry Edwards  
Andrew Gower (Targetfollow)  
Jeremy Aldous (Targetfollow)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)  
Katharina Mahler-Bech (observing)

APOLOGIES: Sue Potts  
Councillor Catherine Mayhew

## **MINUTES**

### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1981 it was noted that the Conservators were required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Ian Marshall, representative of the Freehold Tenants, be appointed as Chairman until the annual meeting of the Conservators in January 2009.**

## **IAN MARSHALL IN THE CHAIR**

### **2. MEMBERSHIP**

The Chairman reported that the under mentioned Conservators had been appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council:

Cllr Catherine Mayhew	)	
Cllr Barbara Cobbold	)	1 <sup>st</sup> year of three year term until 31
Cllr James Scholes	)	December 2010
Cllr Barry Edwards	)	

Freehold Tenants:

Gordon Butt	)	
Mungo Chapman	)	2nd year of three year term until
Peter Freeman	)	31 December 2009
Ian Marshall	)	

Manor of Rusthall:

Baron Nicolas van den Branden	)	
Geoff Butler	)	Until completion of sale
Sue Potts	)	
Christopher Hall	)	

The Clerk noted that the membership of the Conservators would be changing over the next few days. Councillors David Wakefield and Mary Lewis would be replaced on Friday 25 January 2008 by Councillors Barry Edwards and Catherine Mayhew. The Chairman thanked David Wakefield for all his service, and welcomed Barry Edwards.

The Clerk also noted that the Manor of Rusthall sale would be completed within the next few days, and noted that, although the County of Kent Act 1981 did not envisage the sale of the Manor of Rusthall, it was accepted that the new owners of the Manor will have the right to appoint four Conservators. He asked the representatives of the new owners, Targetfollow, to send their nominations to him, to take effect at the next Conservators' meeting.

Christopher Hall expressed his sorrow that his relationship with the Conservators was now at an end and the Chairman thanked him and his fellow Manor of Rusthall representatives. He then left the meeting.

**3. DATES OF FUTURE MEETINGS 2008/9**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.30pm on the following dates:**

24 April 2008  
24 July 2008  
23 October 2008  
22 January 2009

**4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 20 September 2007 were considered, approved and signed by the Chairman.

## 5. **MATTERS ARISING**

a) Rusthall Elms.

It was confirmed that small amendments had been made to the planning application, but that these did not affect access, and therefore the Boundary residents are continuing their campaign to have the main access road over the Common.

b) Dog bags.

The Warden confirmed that the current dispensers often snap the bags off before the end of the next one is within reach, so dog bags are frequently unavailable even though the dispenser is full. The current dispensers were provided by the Borough Council. He agreed that it would be useful to have another dispenser between Fir Tree car park and Wellington Rocks. He also confirmed that dedicated dog bag disposal bins were too expensive to empty and that there were too many entrances and exits to cover them all, so he is trying to re-site litter bins where they will be most useful.

**RESOLVED. The Warden to investigate the cost of a better delivery system for dog bags.**

c) Funding.

The Warden confirmed that there would be no further grant from Natural England at the moment, and the Conservators had been refused entry to Higher Level Stewardship and the Single Payment Scheme, although he was on the waiting list to apply for the Entry Level Stewardship Scheme. He confirmed that other grants were not forthcoming as the Conservators are a statutory body and therefore ineligible for most. He is, however, pursuing any possible sources of income.

d) Ponds.

The Warden reported that Bracken Cottage pond has been cleared although a tree has subsequently fallen into it, but that Marlpit Pond is still full of a weed called Parrots' Feather. The only lasting treatment for this is to spray glyphosate, but this will not harm the newts or invertebrates if carried out correctly .

## 6. **WARDEN'S REPORT**

Last year was very successful as the collector flail and Asulox spraying have led to significant improvements on previously established clearances. The first year of the grass cutting contract went well, despite the weather causing the grass to grow faster than usual throughout the season.

The tree clearance has been held up by the weather, but it has now been started at Fir Tree Car Park, and will continue next week at Wellington Rocks. The next tranche of roadside tree clearance along the A264 will shortly be starting, as well as remedial work to individual trees. While the men are on site the steps down to Fir Tree Pond will be redone.

Other planned works are on the spreadsheet as circulated with the agenda.

It was suggested that more clearance should be done near Wellington Rocks to improve the visibility of the Cricket Pavilion. The Warden confirmed he would clear back the trees and scrub behind the pavilion to remove hiding places, but would not attempt to remove the trees that screen the rocks and pavilion from the road as that area is too low lying to be seen from the road and the screening is valuable to cut down noise.

## **7. FREEHOLD TENANTS PROJECTS**

The Chairman informed the meeting that the Freehold Tenants' dispute with the Manor is on the point of resolution, and the Freehold Tenants therefore discussed funding projects at their AGM. They have chosen four projects from a list of possible improvements supplied by the Warden.

- a) Cherry Tree Avenue. The trees nearly all need replacing, so it was agreed that they would fund the removal and replacement of the whole avenue. The Warden confirmed that the person who was growing grafts of the original variety for the Conservators has disappeared, and the whereabouts of the trees are unknown, so a new variety would be chosen. Care would need to be taken to ensure that the public are fully informed before work begins.
- b) Slope between St Helena and Gibraltar Cottage. The rock outcrops have been covered with earth over the years, although they are clearly visible from old photographs, so the Warden will arrange to clear all the scrub to get a better idea of the scale of the project. Costings allow for five days of excavation with a mini digger and dumper.
- c) Path to rear of Brighton Lake. The path has gradually disappeared, so it will be re-excavated and new stone will be laid over a geotextile membrane. Mrs Blackburn pointed out that the Friends of Tunbridge Wells and Rusthall Commons have also been working in this area, volunteers clearing much of what remains of the path, and plan to fund some dredging of the pond this year using a long arm machine to pull weeds out. The Chairman thanked the Friends for their contribution.
- d) Scan Minute Books. The old Minute Books are a valuable resource, and scanning would provide a secure backup copy, as well as making previous minutes available on the website for research.

The Chairman acknowledged that no work was being planned for Rusthall, but that the Freehold Tenants hope to fund some tree work there next year, as well as extending the path at St Paul's Church.

**RESOLVED. To accept the proposed work with gratitude, and await the Freehold Tenants' decision on the colour of the trees.**

**8. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2007/8 showing total payments of £32,337.50 and receipts of £58,154.86. He confirmed that there were still some large invoices expected from Bridglads.

**RESOLVED – that the report be approved**

**9. PROPOSED BUDGET AND PRECEPT 2007/8**

The Treasurer presented the report which shows an increase in expenditure of 3.8%. This allows for administration increases including the pay awards and the internal audit fee which is still required. Maintenance budgets have been increased in line with RPI, with an allowance for the increase in the litter budget and proposed variation of the grass cutting contract. The tree maintenance budget has also been increased by £2,000. No grants have been assumed, nor expenditure to be funded by grants from the Freehold Tenants and Friends.

He proposed that the Conservators should ask for the precept to be raised by 3.8%, leaving a shortfall of £3,400 to be met from the reserves.

It was pointed out that the Borough Council, using the Baxter Index, have budgeted for far higher projected costs, but the Treasurer replied that our contractors are tied to RPI increases, although if they give up the contract there could be some unexpected extra costs. The Treasurer indicated that the balance of reserves at the end of 2008/9 would be close to the minimum prudent level. The Conservators considered that future increases in spending should be funded from increases in the precept, not the reserves.

**RESOLVED – that the proposed budget and the precept of £116,200 be approved.**

**10. COMMITTEE TERMS OF REFERENCE**

The Chairman presented a draft Terms of Reference to formalise the existing structure and usage of the Committee. Historically the Chairman has attended but, as he does not have a vote, the Terms of Reference do not require him to attend.

The question arose of the role of the Committee in the event of an emergency. It was agreed that in this situation all Conservators would need to meet, although a Committee Meeting could be called by the Clerk or Chairman prior to this to examine the issues involved.

It was confirmed that the current Committee Members are James Scholes and Mungo Chapman, with the Manor representative to be appointed.

**RESOLVED. In the event of an emergency a full Conservators Emergency Meeting would be called, with the Committee acting as an advisory body only.**

**RESOLVED. To adopt the draft, subject to agreed word changes.**

**11. ALCOHOL CONTROL ZONE**

The Clerk reported that the application to extend the Alcohol Control Zone was to be sent to Cabinet for approval shortly. Cllr Scholes to inform the Clerk if this situation changes.

**12. FIR TREE ROAD**

Cllr Scholes declared that he has a personal interest, but not a prejudicial interest, in the matter and would listen to the discussion but not contribute.

The Clerk presented a suggested reply to the long and well argued letter from the Linden Park Cricket Club presenting the Conservators' view of the problem and the potential solutions.

The Warden informed the meeting that the Linden Park Cricket Club may propose a barrier at the bottom of Fir Tree Road which could be closed at night. Apart from technical and legal difficulties, this could be very expensive to install and run. It could also present difficulties for police and fire engines in an emergency.

Mrs Blackburn expressed the Friends disquiet at any re-opening of the road as it would separate the car park from the all ability trail and Wellington Rocks.

**RESOLVED. To send the letter to the Linden Park Cricket Club as presented to the meeting.**

**13. BISHOPS DOWN/MAJOR YORKS ROAD**

The Clerk reported that a meeting had been held with the local Kent Highways Engineer, and agreement had been reached that the end of the road would be broken up, levelled and grassed over, with kerb and posts installed to prevent encroachment. There are still, however, legal and financial issues that Kent Highways need to resolve before the work can commence.

**14. BULLS HOLLOW**

Like many properties on the Commons, this house has no land attached. Historically the owner has been allowed to clear 50 feet around the property for safety reasons, but, after the storm of 1987, the owner at the time cleared a lot of the fallen trees and extended back considerably further. In practice the owner of the property has continued to maintain this enlarged area. The new owner has requested that this situation be formalised by giving him a licence or written agreement.

The Clerk pointed out that the Conservators cannot grant any form of licence as they do not own the land, although they could enter into an agreement that could be revoked by them at any time. Some of the Conservators expressed strong opposition

to any agreement as this could result in portions of the Common being claimed as private property in years to come.

**RESOLVED. To discuss the matter with the new owners of the Manor of Rusthall.**

**15. PLANNING APPLICATIONS**

Rusthall Elms and Middlefield – amendments to application

Bredbury House – temporary banners. No comment.

Post Office Square – change of use from health suite to apartment. No comment.

Old Bakery, Ashley Gardens, Rusthall – change of use from recording studio to offices. No comment.

9 Rusthall Road – extension and alteration to form new flats. No comment, developer written to about protecting verges.

44 The Pantiles – Two new signs. No comment.

Dingley Dell – demolition of existing house and erection of new one. No comment.

**16. ANY OTHER BUSINESS**

a) Footpaths.

The Warden was asked if the definitive footpaths could be patched even though they are the responsibility of Kent Highways, as their very poor state could lead to an accident. Cllr Scholes offered to report the paths to Kent Highways if the details can be passed to him.

b) Bishops Down Road.

Complaints are still being received about the restoration of the grass at the South of France in Bishops Down Road after the completion of work at the Mount. The Warden told the meeting that the restoration work has been done, although it may continue to look untidy until the grass seed starts to germinate. However, damage is still being done to the corners of the road because there are no kerbs to keep traffic to the road. The Warden will investigate installing upright sleepers.

The next meeting will be held at 2.30 p.m. on 24 April 2008 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room C on Thursday 24 April 2008 at 2.30pm**

- PRESENT: Ian Marshall (Chairman)  
Jeremy Aldous  
Gordon Butt  
Mungo Chapman  
Mark Cook  
Cllr Barry Edwards  
Andrew Gower  
Chris Jones
- ATTENDING7: Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)  
Katharina Mahler-Bech (observing)
- APOLOGIES: Cllr Catherine Mayhew  
Cllr James Scholes  
Peter Freeman

## **MINUTES**

### **1. WELCOME TO NEW CONSERVATORS**

The Chairman welcomed Cllr Edwards and the new Conservators from Targetfollow.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 24 January 2008 were considered, approved and signed by the Chairman.

### **3. MATTERS ARISING**

#### **a) Rusthall Elms.**

The planning application may go to Committee on 28 May, but this is not confirmed.

#### **b) Dog bags.**

The Warden confirmed that there is no affordable alternative to the current dispensers, or cheaper dog bags available. He has moved one litter bin to the approach to Wellington Rocks.

c) Fir Tree Road.

The Warden reported that he has not proceeded with the agreed clearance behind the new cricket pavilion as the club now believe that this will decrease security rather than increase it. The Conservators agreed that the new pavilion looks very good.

d) Bishops Down/Major Yorks.

The Chairman noted that there are three separate issues:

- i) Title – the agreed land exchange has still not been legally completed due to issues involving title to the land in question. Targetfollow are actively seeking a rapid solution with Kent County Council, which may involve an insurance policy being taken out against any future valid claim to the land being made.
- ii) Grassing over closed end – the work has been agreed in principle, but there is currently no budget assigned and the Kent Highways representative in charge has recently changed. The Warden will pursue this.
- iii) Kerbs – the Warden reported that there may be financial assistance available from the Council for installing kerbs. He has therefore sent a map identifying those roads that need kerbs to Councillor Wakefield. He advised that kerbs in the problem area of Bishops Down Road would not be enough to stop lorries and buses running over them, and that upright sleepers were required.

**RESOLVED. To install upright sleepers on the corner of Bishops Down Road and endeavour to secure Council funded kerbing to protect the Common from encroachment.**

**4. WARDEN'S REPORT**

All works scheduled for the past quarter have been completed except the clearance behind the cricket pavilion, as previously noted. The roadside clearance for this year has been done. The grasscutting has been a problem because of the wet weather.

There has been no trouble at Wellington Rocks so far this year, although there has been a large amount of litter left at night on the Lower Cricket Ground and Mount Edgumbe Rocks, but the weather has not encouraged outdoor activity. Targetfollow agreed to ensure that this problem is high on the Safe Town Partnership agenda.

The clearance around Wellington Rocks is complete, and the flail will shortly be used over the whole area. Broken glass has been cleared out of the gullies by a Targetfollow operative, and sand from the cricket pavilion excavation has been spread around the rocks.

There has been no further discussion with the cricket club of a barrier at the bottom of Fir Tree Road. The Warden continues to believe it would not help to prevent problems and may decrease the number of police patrols.

The clearance behind Brighton Lake has been completed with financial assistance from Targetfollow for stump grinding. The Friends have agreed to fund the first stage of clearance of weed in the lake later in the year.

Four new benches have been installed this year, paid for by members of the public, and ten new sets of bench ends have been ordered. The increased cost of metal means that the cost of memorial benches will rise to £350, but this is still considered to be a good price. Ten benches are due to be renovated this year, and the Friends have offered to pay for the renovation of an extra five, as well as the removal of five of the broken concrete benches.

## **5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2007/8 showing final payments of £54,963.78 and receipts of £2,665.03. The cost of removing a fridge was queried, but they are expensive to remove as they require recycling, and the invoice included the removal of other items not separately detailed.

**RESOLVED. To approve Financial Statement No 4.**

## **6. UNAUDITED ACCOUNTS AND BALANCE SHEET 2007/8**

The final accounts for the year, which are currently unaudited, show the position to be as anticipated in January.

In answer to a question about the appropriate level of reserves, the Treasurer said that they should amount to at least one month's expenditure, and also an adequate contingency, as there is only one opportunity in a year to set the income and the Conservators have no means of borrowing money. The reserves are expected to reduce to £23,000 by the end of the current year; they need to be maintained at a minimum of £20,000.

The Treasurer also noted that the Borough Council will audit the accounts as usual as there is no longer a requirement to have them externally audited.

**RESOLVED. To approve the Accounts and Balance Sheet 2007/8**

## **7. FREEHOLD TENANTS PROJECTS**

The following projects for this year have been agreed:

- a) Cherry Tree Avenue. At a recent meeting the variety Prunus tai haku was chosen. These are white, not pink, but were chosen as they produce a spectacular display of blossom in the spring, have a good autumn colour, and are tall and dramatic trees. Adequate PR must be ensured to let the public know why the work is being undertaken.

- b) Path to rear of Brighton Lake. Crushed sandstone has been chosen as the most suitable surface for the restored path. The Freehold Tenants have also decided to restore the path to the front of the lake. There is no trace of this path, but old postcards show its route.
- c) Slope between St Helena and Gibraltar Cottage. The planned clearance of the rocks is to go ahead.
- d) Path at St Paul's Church, Rusthall. The path is in poor condition and badly needs attention. The Freehold Tenants will therefore fund the work this year, using a type 1 finish to match the existing path. They are also looking at the paths around the Lower Cricket Ground and near the Forum, both of which need attention.
- e) Scan Minute Books. It had been agreed that the Minute Books should be scanned both for ease of access and as a back-up. Targetfollow may have the facilities to do this which would be a more cost effective solution and they agreed to investigate.

**RESOLVED. To accept the proposed work with gratitude, including the variety of trees chosen.**

## **8. FAIRGROUND CAR PARK**

The Clerk gave the details of a recent Committee meeting held at the Fairground Car Park to look at the improvements Targetfollow wish to make. The minutes were considered, approved and signed by the Chairman.

There was concern that improving the path might increase the Conservators' liability, but the Committee found that the existing surface is very slippery and, as it is clear that it would not be possible to prevent people from using it, it should be made safer. Targetfollow also agreed to indemnify the Conservators against any claims resulting from an accident, and gave the Conservators a draft of this. The preferred option is a bonded gravel surface on a type 1 base with any trip hazards removed and a barrier at the end to prevent people from emerging too quickly.

It was agreed that, if a better crossing is eventually provided across Major Yorks Road, the path will be closed.

**RESOLVED. That Targetfollow should go ahead with the planned improvements to the path.**

Targetfollow also outlined the plans to smarten and improve the car park by resurfacing and providing kerbs, drainage and lines. They also hope to light it to increase the security of their users at night, and are investigating how to provide lighting for the car park without causing light pollution to the Common. They would also like to expand the car park slightly by using the areas of scrub immediately around it, but without losing the fire barriers or encroaching beyond the existing grassed area onto the Common. If they install kerbs they will look at the possibility of expanding the work to some of the roads that need kerbing. The Warden is to provide Targetfollow with a copy of the map sent to the Council.

Comments were made about the flagpole that was erected by RCP, the car park management company, at the car park entrance without permission from the Conservators. It was noted that permission for a flagpole on the Common would not normally be granted; Jeremy Aldous noted the views expressed and confirmed that he would convey them to RCP.

The future of the fair was raised, and the Conservators expressed the opinion that they would be pleased if the fair was no longer held there as it usually led to an increase in vandalism and nuisance in the area, although any decision to stop future visits would need to be handled sensitively..

## **9. TARGETFOLLOW PROJECTS**

Jeremy Aldous outlined the areas that were being looked at by Targetfollow but emphasised that all plans were in their early stages and no decisions had been taken.

### **a) Car Parking.**

There is a Council review of traffic and parking underway and this could give the opportunity to look at parking on and around the Commons. Targetfollow raised the possibility of using yellow lines to remove cars from the roads through the Commons. It was agreed that this would be welcomed in theory, but concern was expressed that it would simply push the town's parking problems elsewhere.

The car park management company, RCP, has recommended that Fir Tree Car Park becomes pay and display now it is not part of the cricket club's lease. If introduced, the purpose would be to discourage all day parkers, not raise revenue. If any charges are introduced, parking would be free for the first few hours so legitimate users of the Commons would not suffer. It would be policed by the Fairground car park staff.

However, their preferred option would be to break up the distribution of access to the Commons by establishing some smaller car parks elsewhere on the Commons, similarly policed to prevent use by commuters but free to Commons users.

The Warden agreed that more parking areas would be helpful as it would ease congestion and reduce the problem of dog fouling near Wellington Rocks and picnic areas. However, it is difficult to see where such car parks could be sited as steep banks prevent access in most places. It might be possible to find places for lay-bys, or provide more short term parking through yellow lines on the roads. The Clerk stated that there was no legal reason why the Conservators could not create more parking areas, but concern was expressed at the principle of giving up common land to create car parks.

### **b) Wish lists.**

Targetfollow have asked the Warden and the Friends to produce wish lists of projects that need funding. These can include anything from major projects to minor improvements. The lists can then be submitted to the board which would consider them for action from time to time but without commitment.

c) Grazing.

The Warden has been invited on a fact finding mission to the organic farm in Norfolk belonging to the Targetfollow MD, where the manager has experience of keeping livestock in public spaces. Whilst appreciating the numerous issues involved, Targetfollow may be able to assist with fulfilling the grazing aspect of the management plan. The Warden advised the Conservators that, as well as bringing many ecological benefits, grazing may make the Commons eligible for Higher Level Stewardship.

d) Marketing.

Targetfollow have recently met a number of marketing companies to discuss events on the Pantiles, some of which could include the Commons. One possibility is to have a sculpture trail starting in the Pantiles and leading on to the Common.

e) Other matters.

To keep the Conservators informed, various recent discussions between Targetfollow and third parties were outlined:

- i) Rusthall Cricket Club - they have applied for consent to install toilets. Targetfollow has given permission and have agreed to pay the legal fees involved in applying for a licence, and have donated £500 towards the cost.
- ii) Nevill Estate - the Targetfollow MD is to meet Lord Abergavenny shortly to discuss an apparent error in the Land Registry title acquired by Targetfollow involving a small strip of land at the entrance to the garden centre. A similar issue has arisen involving car parking spaces at the Methodist Church.
- iii) Licence - Targetfollow has granted EDF energy a licence to install a new power supply to the Spa Hotel.

## **10. WAYMARKING PATHS**

The Warden reported that the Council wish to organise conducted walks and install marker posts. He expressed concern that these would lead to maintenance problems, and the Conservators agreed that, if the walks are guided, signposts would not be required. The Warden will offer to assist the Council in bringing the booklet of walks up to date.

**RESOLVED. To refuse permission to waymark paths.**

## **11. HOSPICE 10K RUN**

The Hospice in the Weald has applied for permission to repeat the successful run they organised in 2007 on 21 September 2008.

**RESOLVED. To grant permission on a similar basis to 2007 and subject to the same terms and conditions.**

**12. RUSTHALL BONFIRE**

The Rusthall Bonfire Society has applied for permission to hold the annual bonfire on 25 October 2008.

**RESOLVED. To grant permission on a similar basis to 2007 and subject to the same terms and conditions.**

**13. BULLS HOLLOW**

The owner of Bulls Hollow has requested a licence to allow him to continue clearing the area around his property. Although this would be beneficial as he would then pay for maintenance of that area, the Conservators had expressed disquiet that this could allow him to claim ownership in the future. However, Targetfollow believe that granting a licence will formalise the situation, and his acceptance of the licence will be an acknowledgement that he has no claim to the land. Targetfollow are therefore prepared to grant a licence that can be revoked by either party at any time.

The Clerk stated that, from the Conservators' point of view, the ownership is immaterial as the land will remain Common.

**RESOLVED. To agree that Targetfollow should grant a licence on the terms outlined.**

**14. PLANNING APPLICATIONS**

73 London Road – conversion to 7 apartments and cottage. Expressed concern that parking provision is inadequate. Application approved.  
New Wellington Hotel – alterations to rear railings and side entrance. No comment.  
Royal Wells Inn, Mt Ephraim – four storey extension. Expressed concern that increased visitor numbers will cause more on street parking problems.

**15. ANY OTHER BUSINESS**

a) Civic Society.

The Chairman reported that the Civic Society are still working to produce a design for a viewing point that will identify all the local landmarks in sight. No decision has yet been taken about building materials. It is to be installed opposite 66 Mount Ephraim, between St Helena and Gibraltar Cottage.

b) Horses.

The Chairman raised the problem of horses causing damage to the footpaths in the recent wet weather. The Warden felt it was unnecessary to impose any extra restrictions as the unusually wet spring has caused this year's difficulties, but there is no problem in most years.

The next meeting will be held at 2.30 p.m. on 24 July 2008 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 24 July 2008 at 2.30pm**

- PRESENT: Ian Marshall (Chairman)  
Gordon Butt  
Mungo Chapman  
Peter Freeman  
Cllr Barry Edwards  
Cllr Barbara Cobbold  
Mark Cook  
Sarah Bird
- ATTENDING: Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)  
Katharina Mahler-Bech (observing)
- APOLOGIES: Cllr Catherine Mayhew  
Cllr James Scholes

## **MINUTES**

### **1. WELCOME TO NEW CONSERVATOR**

The Chairman welcomed Sarah Bird, the new Conservator from Targetfollow representing the Manor of Rusthall, in place of Christopher Jones who has resigned.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 24 April 2008 were considered, approved and signed by the Chairman.

### **3. MATTERS ARISING**

#### **a) Rusthall Elms.**

The planning application has been approved, but the site has been sold to a new developer and it is not clear when work may begin.

#### **b) Bishops Down/Major Yorks.**

- i) Title – there has been no progress on the agreed land exchange with Kent County Council.
- ii) Grassing over the closed end of Bishops Down Road – the work has been agreed in principle, but there is currently no budget assigned. The new Kent Highways representative is looking into the matter, but there has been

no progress. It was pointed out that if there is no budget for the work at the moment, it should be budgeted for next year.

- iii) Kerbs – it was reported that KCC have only offered funding for verge restoration, not kerbs. Targetfollow have a copy of the map forwarded by Cllr Mayhew to KCC and may be able to provide financial assistance. Cllr Cobbold reported that she is in discussions with KCC about the similar problems of verge erosion and parking that have arisen on the bend in Hungershall Park.

c) Litter and disturbance.

Targetfollow agreed to raise the issues of antisocial behaviour and rubbish being strewn across both Commons at the SafeTown Partnership, although it was noted that the difficulties faced the previous year were not being repeated.

d) Accounts

The Treasurer reported that the 2007/2008 accounts have now been audited and the control level has been deemed substantial. Therefore the accounts submitted at the last meeting are final.

e) Freehold Tenants' Projects

- i) Cherry Tree Avenue. The Courier ran a long article explaining why the old trees need to be removed and why the colour will change. The only response so far has been positive. The work is scheduled for November/December, and it was suggested that the Mayor should be invited to begin the digging.
- ii) Path at Brighton Lake. The work has not gone as planned, as it has proved to be a much more complex job than envisaged. The unsatisfactory finish is to be removed at the contractor's expense and reused elsewhere, and there will be considerable additional work to cut out old concrete repairs. Approximately 10 metres of the sandstone coping is missing and will need to be replaced, although it is hoped that most of the blocks will be found in the lake. When this work is complete, a more suitable gravel surface will be provided. Although the Freehold Tenants are prepared to pay for the extra work they are concerned that it may prove considerably more expensive than originally indicated and they may require assistance. The Friends indicated the possibility of help. It was noted that the path has been very well used even in its current state.
- iii) Other projects. The clearance of the slope between St Helena and Gibraltar Cottage and the restoration of the path at St Paul's Church should begin shortly. The minute books have been scanned, and the office will ensure they are available on the website.

f) Fairground Car Park.

It was noted that the new path is a great improvement, and very popular with users. However, the flagpole is still in place and the garish colours used for the hut were felt to be inappropriate for the Common. Targetfollow undertook to pursue both matters with RCP. There is also a problem with rubbish from the bin simply being dumped behind the hut, and the bags being torn open by animals. The litter clearers from the Pantiles will be sent to remove it. It was also pointed out that the new posts at the edge of the car park need strimming, not only because it is untidy, but because car drivers will not realise the posts are there. The Warden advised that care should be taken as loose gravel could be thrown out by the strimmer causing damage to cars parked nearby.

g) Bulls Hollow

The Conservators requested sight of the licence being prepared by Targetfollow to allow the owner of Bulls Hollow to maintain the area around the property, and expressed disappointment that the house is being put up for sale and therefore the licence may have been requested in order to facilitate the sale and possibly increase the property's value. The Conservators expressed concern at the attempts by property owners on the Commons to push back their boundaries into Common land, and requested the Warden to patrol all Commons properties and report back on any encroachments.

h) Wish List

The Warden informed Targetfollow that he has drawn up a wish list of items, but they have not yet been costed.

#### **4. WARDEN'S REPORT**

It has been a busy but successful year with all works scheduled for the past quarter completed. The Warden thanked the Friends for contributing to the restoration of benches and removal of old concrete benches, Targetfollow for the Fairground Car Park path, and the Freehold Tenants for the paths at the Lower Cricket Ground, in front of the Forum, and at Brighton Lake.

The work for the coming quarter is just getting underway: the big flail has started on the major cuts of the long grass, bracken spraying will take place over the next two weeks, and the clearance at St Helena and the resurfacing of the path at St Paul's will start in August.

The volunteers will start in September, beginning with scrub clearance in the heather areas.

There have been no problems at Wellington Rocks so far this year, which may in part be due to the clearances that took place behind the rocks over the winter, as well as the extension of the Alcohol Control Zone and increased police patrols. However, there are still problems with large amounts of rubbish and barbecues at the Forum, Lower Cricket Ground and Mount Edgumbe Rocks. The problems are increasingly

spreading to Rusthall Common, and at Happy Valley there is evidence of camping and fires.

The deteriorating state of the definitive footpaths was discussed, but the suggestion that the Conservators should repair the worst of the holes was rejected as this may mean KCC refusing responsibility for them in future. KCC have recently produced an action plan to improve public rights of way, but the Conservators were not consulted, and it is not known if the definitive footpaths on the Commons are included. Mrs Blackburn will give the Warden a copy of the action plan.

**RESOLVED. The Warden to audit the definitive footpaths and report to the next meeting**

**5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 1 2008/9 showing payments of £29,424.58 and receipts of £73,139.95. These figures include items paid for by the Conservators and then reimbursed by Targetfollow, the Freehold Tenants and the Friends.

The income and expenditure projection allows for future work which will be reimbursed. The Treasurer pointed out that the pay award was still pending, and that an RPI of 3.5% had been assumed whereas the actual figure was 3.8%, but this would not seriously affect the projection. The reserves are unchanged.

**RESOLVED. To approve Financial Statement No 1.**

**6. LINDEN PARK CRICKET CLUB**

The club has informed the Conservators that the door to the groundsman's store at the side of the new pavilion is too narrow to admit their new mower, and have requested that a half size container be permanently sited on the Common behind the pavilion to accommodate it. The Conservators expressed strong opposition, but asked Targetfollow to check the terms of the Cricket Club lease to see if it allows them to site the container on their leased area beside the pavilion. This would be more unsightly than allowing it behind the pavilion.

**7. CRICKET FESTIVAL**

**RESOLVED. To allow the Children's Cricket Festival to take place on the same basis as in previous years.**

**8. HERITAGE OPEN DAYS**

**RESOLVED. To allow a banner advertising the event to be placed at the corner of London Road and Church Road for no more than two weeks.**

**9. INSPIRATIVE EXERCISE CLASS**

A local firm has asked to run commercial fitness classes on Tunbridge Wells Common, and to use a pop up gazebo in bad weather.

**RESOLVED. To allow the classes to go ahead subject to a six monthly review and a donation towards the upkeep of the Common, as well as proof of sufficient insurance and risk assessment.**

**RESOLVED. To refuse permission for a pop up gazebo in any weather conditions.**

**10. SAXONS ORIENTEERING CLUB**

**RESOLVED. To allow the club to survey Tunbridge Wells Common with a view to running occasional events there, subject to a six monthly review, and proof of sufficient insurance and risk assessment. No permanent markers are to be used.**

**11. ANY OTHER BUSINESS**

The Warden reported that the Horse Chestnut trees on the Commons have been badly affected this year by the Chestnut Leaf Miner Moth, which has caused extensive damage to the leaves. However, it is too early to tell if this will have any detrimental effect on the trees in the long term.

Cllrs Cobbold and Edwards left the meeting at this point.

**12. PLANNING**

Fairground Car Park – BT have applied to install two 9m poles to carry telephone wires from Eridge Road to the RCP hut at the Fairground Car Park. The Conservators acknowledged the need for a telephone connection, but expressed disquiet at the intrusive nature of the poles and wires. They were also concerned that it would cause ongoing maintenance problems as the trees in the vicinity would need to be cut back regularly, and if the fair continues the large trucks may not be able to get under it. They requested that Targetfollow explore alternatives, such as burying the line underground.

Travelodge, Mount Ephraim – new signs. No comment.

Marne House, Mount Ephraim Road – change of use. No comment.

Holme Grange, Rusthall Road – satellite dish. No comment.

Winslade House, Pantiles – change of use. No comment.

Park View House, Hungershall Park – alterations to outbuilding. No comment.

Mary's Mead, Hungershall Park – external staircase. No comment.

Dingley Dell – demolition of existing house and erection of new one. No comment except that construction vehicles should not be left on the grass.

**13.    NEXT MEETING**

The next meeting will be held at 2.30 p.m. on 23 October 2008 in Committee Room A

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 23 October 2008 at 2.30pm**

- PRESENT: Ian Marshall (Chairman)  
Jeremy Aldous  
Gordon Butt  
Cllr Barbara Cobbold  
Cllr Barry Edwards  
Andrew Gower  
Cllr Catherine Mayhew  
Cllr James Scholes
- ATTENDING: Rodney Stone  
Steve Budden  
Julia Woodgate  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)  
Katharina Mahler-Bech (observing)
- APOLOGIES: Sarah Bird  
Mungo Chapman  
Peter Freeman  
Geoff Levitt

## **MINUTES**

### **1. CHANGE TO CONSERVATORS**

The Chairman informed the meeting that Mark Cook has resigned as a Conservator representing the Manor of Rusthall. Targetfollow will confirm his replacement.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 24 July 2008 were considered, approved and signed by the Chairman.

### **3. MATTERS ARISING**

#### **a) Bishops Down**

- i) Grassing over the closed end of Bishops Down Road – The Chairman read a letter from Andrew Burton, KCC Highway Schemes Manager, apologising for the delay in completing the work, apparently due to lack of agreement from utility companies that would be affected by the work. He promised to re-open negotiations with them and offered a site meeting with Conservators.

Cllr Scholes asked to be kept informed if a satisfactory resolution is not reached.

**RESOLVED. To hold a site meeting as soon as it can be arranged.**

- ii) Kerbs – Cllr Cobbold reported that she is still pressing KCC over the issue of verge erosion and parking on the bend in Hungershall Park.

b) Freehold Tenants Projects

The Brighton Lake path has proved more challenging than originally envisaged, but is now complete. The wall has been rebuilt and raised to prevent the water from spilling over the path, and the path has been resurfaced. It has proved very popular and has been favourably commented on by many locals. There has also been much favourable feedback about the bank clearance at London Road which has exposed many more rock formations.

c) Fairground Car Park.

The Chairman re-iterated his concerns at the continuing existence of the flagpoles, erected without the Conservators' approval, which would not have been given. Concern was also expressed at the colour of the hut and the lack of strimming around the bollards. The Chairman also restated the Conservators' refusal to allow an overhead telephone line which reflected the long-standing view of the Conservators that overhead lines across the Commons should be resisted. Mr Aldous agreed to speak to RCP about the issues and the Conservators hope to see the flagpoles removed without delay. Mr Aldous advised that eventually the car park will be rebranded as the Pantiles car park with its black and white colour scheme. It was noted that the rubbish situation had improved thanks to the Pantiles team, who will also look at the need for strimming around the bollards.

Targetfollow are considering the possibility of lighting in the car park to improve security for users on winter evenings. They are looking at different possibilities including portable lighting, and variable timing options. The Chairman expressed the long held view of the Conservators that there should not be lighting on the Common, and the concern that any exception made here could be seen as a precedent. The Clerk reminded the meeting that the Conservators are obliged to manage the Commons in the best interests of the people of Tunbridge Wells, and all other considerations should be secondary. Mr Aldous will present the options to the next meeting for consideration.

d) Bulls Hollow

The licence has not yet been finalised as Targetfollow are awaiting an undertaking from Mr Winder that their costs will be met. It was observed that Mr Winder is advertising the property for sale with a licence to maintain an area of 2 acres. The licence, when finalised, will be brought to the Conservators prior to signature to allow an opportunity for input.

e) Wish List

The Warden gave out copies of the list of works, requested by Targetfollow, for which additional funding would be required, although funding for none of the projects could be guaranteed

The Warden confirmed that one of the items, clearance of the bank by Sainsbury's roundabout, would need to be done anyway, as foliage is obscuring road signs and becoming a danger. He gave the assurance that this would not expose the car park to view.

**4. WARDEN'S REPORT**

It has been a busy year with the last quarter seeing the completion of a number of projects funded by the Freehold Tenants. The Warden thanked them for their contribution.

There have been fewer problems with teenagers this summer, partly due to the weather, and partly due to increased police surveillance and the clearance carried out last winter. The main trouble spot this summer has been at Denny Bottom, but better co-ordination with the police has improved the situation.

The work for the coming quarter is just getting underway: the big flail collector is out and two weeks of roadside clearance has been budgeted for. The Warden gave the Conservators copies of the Commons compartment maps which are referred to in each quarter's work schedule. Maps will not be included with the meeting papers in future.

Unfortunately the bat hibernaculum has been broken into again, and repaired again. It was suggested that a notice should be placed outside explaining the purpose to deter vandals from thinking it might be an entrance into underground caves.

**5. ALLOWANCES AND EXPENSES**

**RESOLVED.** To approve the allowances and expenses for the Clerk of £1434 and for the Treasurer of £794 for the year commencing 1 April 2008, in line with the annual change in RPI.

**6. ACCOUNTS AND FINANCIAL STATEMENT**

**RESOLVED.** To approve the Treasurer's Report of Receipts and Payments to October 2008 and Budgetary Control Report 2008/9.

**RESOLVED.** To approve Financial Statement No 2 2008/9 showing payments of £54,500.95 and receipts of £6,969.67.

**7. LINDEN PARK CRICKET CLUB**

Mr Aldous reported that the lease allows the cricket club to alter the building, although any alterations need the permission of the Manor. The terms do not appear to include the right to site a container beside the building, and Targetfollow would not agree to this. They do not have the right to site a container on the car park which now forms no part of the club's lease, or any other part of the Common. All Conservators agreed that the new pavilion is an asset to the Common, and the addition of a container in any position would be detrimental.

**RESOLVED. To write to Linden Park Cricket Club to refuse permission to site a container on the Common, and strongly urge them to rethink their requirements.**

**8. TARGETFOLLOW**

Mr Aldous presented the Targetfollow rejuvenation strategy for the Pantiles and lower end of town that had recently been presented to the Borough Council.

He pointed out that this was a vision for the way the area could develop, rather than specific plans, and had been introduced to gather formal responses from stakeholders and members of the public which would inform the planning process. He invited the Conservators, both as a body and as individuals, to submit a response before the closing date of 8 December.

Cllr Scholes informed the meeting that, due to conflicts of interest, he will not be sitting on the Western Area Planning Committee when Targetfollow applies for planning permission, and will be obtaining written legal opinion over his position. All Councillors intend to obtain the advice of the Monitoring Officer. Cllrs Edwards, Cobbold and Mayhew intend to sit on the planning committee, and Cllr Mayhew is seeking additional advice to clarify her position as quickly as possible, due to her conflicting interests. All councillors, though, are able to listen to presentations and be involved in discussions until any plans are submitted for planning permission.

The Clerk informed the Conservators that, on any matters over which the Conservators have a legal duty to either consent or veto, they must respond as a body, although at this stage comments can be submitted jointly by groups of Conservators or individually. The Conservators also have a duty to consider any proposal that may have an impact on the Commons, even if it has no direct effect. He also reminded them that, when considering matters in their role as Conservators, they are legally obliged to suspend any other interests and manage the Commons in the best interests of the people of Tunbridge Wells.

The strategy includes the possible development of the Fairground car park, tied in with improvements to the junctions and crossings. The car park would not be developed beyond the area which is currently clear of trees, but may include the grassed area to the back and side, and the section between the car park and Eridge Road. The feasibility of underground parking at the site is also being considered.

**RESOLVED. The Freehold Tenants and Councillors to meet as quickly as possible to discuss whether a joint response is possible.**

**9. PANORAMA**

The Civic Society are proposing the erection of a stone Panorama to mark the centenary of the granting of the Royal Charter. The proposed panorama has a small footprint and will be sited just off the footpath beside Mount Ephraim. It is relatively inexpensive, and Targetfollow have agreed to make a substantial contribution. The Chairman acknowledged that there was some opposition on the grounds of the poor air quality on Mount Ephraim and the fact that the view is partially obstructed by trees and other growth.

**RESOLVED. To allow the Civic Society to erect the panorama as shown in drawings submitted to the Conservators on 19 October 2008, and in the position agreed, subject to the Civic Society resolving the question of maintenance and repair should it be subjected to vandalism, and to any planning stipulations.**

**10. FOOTPATH AUDIT**

The Warden submitted his audit of the definitive footpaths for which KCC is responsible. Jonathon Bibby of KCC has been sent a copy and is to attend a site meeting with his contractor and the Warden to review the state of paths and agree a programme of repair.

**11. ANY OTHER BUSINESS**

Cllr Mayhew drew the attention of the meeting to the efforts of the Council to encourage healthy walking, and queried why the Conservators had refused permission for waymarkers, as it is their obligation to maintain the Common for the benefit of local people. The Clerk informed her that the Conservators have always resisted any attempt to tame the Commons or make them park like, but they do encourage their wide use. The Warden has volunteered to work with the Council officers to produce new walking maps or any other information that might be helpful

**12. NEXT MEETING**

The next meeting will be held at 2.30 p.m. on 22 January 2009 in Committee Room A.

All Councillors present left the meeting at this point.

**13. PLANNING**

Dingley Dell – demolition and construction of new house. No comment.

8A Hungershall Park – demolition of existing extension and construction of new one.  
No comment.

Oregon House, The Midway – amendment to window plans. No comment.

25 London Road – change of use from offices to clinic. No comment

Royal Wells Inn – amendments to plans. Repeated objection to lack of parking spaces.

Holme Grange – installation of satellite dish. No comment.

Oakhurst Lodge, 76 Mt Ephraim – single storey rear extension. No comment.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 22 January 2009 at 2.30pm**

- PRESENT: Ian Marshall (Retiring Chairman)  
Cllr Barbara Cobbold (Incoming Chairman)  
Jeremy Aldous  
Gordon Butt  
Mungo Chapman  
Cllr Barry Edwards  
Peter Freeman  
Andrew Gower  
Cllr Catherine Mayhew  
Cllr James Scholes
- ATTENDING: Rodney Stone  
Geoff Levitt  
Steve Budden  
Julia Woodgate  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)
- APOLOGIES: Sarah Bird

## **MINUTES**

### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1981 it was noted that the Conservators were required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Cllr Barbara Cobbold, representative of the Borough Council, be appointed as Chairman until the annual meeting of the Conservators in January 2010.**

### **BARBARA COBBOLD IN THE CHAIR**

Cllr Cobbold thanked Ian Marshall for the excellent job he had done as Chairman in 2008.

### **2. MEMBERSHIP**

The Chairman reported that the under mentioned Conservators had been appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council:

Cllr Catherine Mayhew	)	
Cllr Barbara Cobbold	)	2nd year of three year term until 31
Cllr James Scholes	)	December 2010
Cllr Barry Edwards	)	

Freehold Tenants:

Gordon Butt	)	
Mungo Chapman	)	3rd year of three year term until
Peter Freeman	)	31 December 2009
Ian Marshall	)	

Manor of Rusthall:

Jeremy Aldous	)	
Andrew Gower	)	2nd year of three year term until 31
Sarah Bird	)	December 2010
To be confirmed	)	

**3. DATES OF FUTURE MEETINGS 2008/9**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.30pm on the following dates:**

23 April 2009  
9 July 2009  
22 October 2009  
21 January 2010

**4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 23 October 2008 were considered, approved and signed by the Chairman.

**5. MATTERS ARISING**

a) Panorama.

It was confirmed that the planning application is about to be submitted, using the plans as agreed by the Conservators at the last meeting, except that the plinth is now to be made from a single block of sandstone.

**RESOLVED – that the amended design did not affect the previously given consent**

b) Footpath audit.

The Warden confirmed that he has walked the paths needing repair with Jonathan Bibby from KCC and has been sent a schedule of repairs. He has not yet been given a start date for the work

**6. WARDEN'S REPORT**

Last year was particularly successful due to the number of projects which have been completed as a result of funding, mainly by the Freehold Tenants. Two paths have been resurfaced and two new paths installed, the path around Brighton Lake has been rebuilt and the scrub cleared behind it, rock outcrops on the slope between St Helena and Gibraltar Cottage have been exposed, a new avenue of cherry trees in Mount Edgcumbe Road has been planted and the Sweeps Cave area of Happy Valley has been opened up with new steps constructed. As all the precept is required for maintenance, the funding of major projects is particularly appreciated.

This year's roadside tree clearance has meant the completion of the work along the A264. The Warden pointed out that he has removed a number of dead elms. The roadside clearance is part of the management plan to create graded woodland edges; it is also sensible to take precautions by removing any trees that may fall on the highway. It is also safer for deer and motorists when the woodland margin is further back from the road edge. He agreed that the increase in deer numbers would justify deer warning signs on many of the Commons roads, but this is a Highways responsibility.

**7. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2009 showing total payments of £42,873.61 and receipts of £80,260.05.

**RESOLVED – that the report be approved**

**8. PROPOSED BUDGET AND PRECEPT 2009/10**

The Treasurer presented the report which shows an increase in gross expenditure next year of 4%. The contracts for grasscutting and litter clearance have been increased in line with RPI, which is currently falling and expected to be around 2%. Provision for salary costs and allowances and expenses has also been set at 2%. Other costs have risen in the course of the year and are expected to increase by a further 2.5% next year. The Treasurer pointed out that there has been significant overspending this year on litter collection due to the rising number of vagrants' camps that have been removed.

In addition it should be noted that income from interest has fallen this year and will be significantly reduced next year following the reduction in base rate. He reported that he has moved money into short term investments this year in an effort to increase the return, and will continue to do so if it possible without affecting cash flow.

As the proposed net expenditure will exceed the 2008/9 precept by £8,450, and it was agreed in January 2008 that future increases in spending should be funded from increases in the precept, not from the reserves, the precept for 2009/10 will need to be £124,650, and increase of approximately 7%.

The Treasurer confirmed that the Conservators are responsible for ensuring that the budget meets their requirements, and they set the precept at the lowest level that will enable them to fulfil their duties. The reserves are at the lowest level that could be considered prudent as the Conservators are not able to borrow money. Furthermore, the accounts are audited by the Council each year, for which the Conservators pay a fee.

Cllr Mayhew recommended that next time the litter contract is due for review, the new Council contractors should be invited to tender.

**RESOLVED – that the proposed budget for 2009/10 be approved.**

**RESOLVED – that the precept of £124,650 be approved.**

## **9. TARGETFOLLOW REPORTS**

- a) The flagpoles have finally been removed from the Fairground car park, and plans are being drawn up for rebranding in the Pantiles colours of black and white. No further progress has been made on installing power and telephone, and plans for this, and for lighting, are in abeyance, although it is understood that the Conservators' consent will always be required before they can be implemented. They are aware of public sensitivity over the car park.
- b) The wish list has been presented to the board, but no response has yet been received.
- c) Rejuvenation strategy – the meeting with KCC, including Highways, has not yet taken place, and therefore public consultation has been pushed back. After this has taken place their planning consultants will produce a report which will be submitted to the Council. Updated designs for signage are awaited, some of which will require planning permission, and one use for the new signage will be to clearly mark the entrances to the Pantiles from London Road. The new designs will be shown to the Conservators.
- d) There are many events taking place on the Pantiles this year, and although so far none will involve the Common, they are still hoping to stage events which will tie the Common to the Pantiles.

## **10. BISHOPS DOWN**

The Clerk reported that he had attended a meeting with Andrew Burton, the Kent Highways engineer for the area, the Warden and Peter Freeman. Mr Burton agreed to complete the work to return the end of the road to Common, and will be sending through his proposals and designs before work commences. He also agreed to look at a solution for the erosion at the bend in the road. Cllr Scholes offered his assistance should there be any further delay.

Targetfollow confirmed that there had been no further progress with finalising the land swap.

## **11. FREEHOLD TENANTS PROJECTS**

The Freehold Tenants have funded a number of major projects in 2008 and intend to continue their funding. The Warden presented their proposals for 2009:

- a) Brighton Lake. Following the major improvement to Brighton Lake this year, and the clearance behind it, the Freehold Tenants propose to widen, improve and open up the two paths that lead from the lake to the rest of the Common which are currently difficult to find or use. The Friends also plan to contribute to this area by removing the pond weed from approximately one third of the lake's area.
- b) St Paul's path. Extend the path that was funded last year through the wooded area.
- c) Sweeps Cave. Extend the new steps and create a new path to the bottom of the 101 steps.
- d) Clearance on Tunbridge Wells Common. This is to be the major project this year. The top part of the area between London Road, Mount Edgcumbe Road and Castle Road (approximately 5 acres) is extremely overgrown and is full of scrub and holly, having received no real attention since it was badly damaged in the storm of 1987. It is regularly used by drug addicts and rough sleepers, some of them violent. The plan is to clear all the scrub, leaving the major trees and holly around the edge to form a hedge against road noise, to create a series of wide glades. It is expected that the work will take place over 2 or 3 years, but this year it is intended that the fallen timber and some of the scrub should be removed, with the stumps being ground out and the rest of the scrub removed in future years. The work will enable more heather areas, provide more woodland edge, and provide more habitats for invertebrates and lizards. As all major projects have maintenance implications, and the maintenance budget is tight, the clearance will be designed to be maintained easily, with the cleared areas being large enough for the big flail to cut. As birds will start to nest soon, it is essential that this year's element is commenced immediately.

**RESOLVED – to accept all the Freehold Tenants' spending projects with thanks.**

## **12. BULLS HOLLOW**

The licence still has not been drawn up as Targetfollow are still awaiting an assurance over costs. It has been agreed with the owner that the licence should be personal, and not transferable to any new owner, although Targetfollow have undertaken to discuss the granting of a similar licence with any new owner.

## **13. ENCROACHMENTS**

The Warden presented a report of the major encroachments that are not mentioned on the 1972 survey and for which there appears to be no explanation. Entrances and driveways that may have had easements granted in the past have not been included. Targetfollow stated that they are drawing up standard annual licences to grant the

right of passing and repassing for which they will be charged £200 annually to cover costs. However, they do not know how many such agreements are already in place. The most serious problem identified by the report is that of Still Green where unknown householders have gradually tipped hardcore and other materials down the steep slope to create parking spaces. This has been done without permission or agreement, but there is some difficulty in tracing those responsible. As the parking area created is extremely dangerous, the landowners and Conservators need to consider how to remove it or close off the area without the householders re-establishing it. The alternative would be to licence it and require the licensee to take responsibility for making it safe. However, there are difficulties with this approach: the Conservators cannot allow encroachments, it may be impossible to find any individuals to take responsibility, and planning permission may be required which is unlikely to be forthcoming.

**RESOLVED – Targetfollow and officers to have site meetings to look at the main problems and the committee to meet to discuss any issues that cannot be resolved.**

Councillor Edwards left the meeting at this point.

#### **14. ANY OTHER BUSINESS**

- a) An application has been received from another fitness trainer wishing to lead fitness groups on the Common.

**RESOLVED – to grant permission subject to the usual conditions including adequate insurance, and requiring a review after one year.**

- b) Rusthall Elms. Before the discussion, Cllr Mayhew repeated the advice she had been given that Councillors on Western Area Planning Committee can listen to discussions of matters which may be the subject of planning applications, but she was awaiting the appointment of a new Head of Legal Services to confirm this.

Cllrs Mayhew, Cobbold and Scholes left the meeting at this point.

The Clerk reported a letter from Speldhurst Parish Council who have been requested by some of their parishioners to commission a report on using the old Rusthall Elms access across the Common for construction traffic. The Conservators expressed concern that the issue had been reopened, as they had already opposed, it was not part of the passed planning application, and the developers had not asked to use the access. They agreed that if the access had to be used, there must be an enforceable arrangement over restoration of the area after construction was finished.

**RESOLVED to write to Speldhurst Parish Council to express the Conservators' concern over the access being used.**

**15.     PLANNING APPLICATIONS**

Broadwater Service Station – demolition and replacement with mixed use building.  
Letter sent opposing height of building and potential damage to Common.

Oakhurst Lodge, 76 Mount Ephraim – single storey rear extension. No comment.

The next meeting will be held at 2.30 p.m. on 23 April 2009 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 23 April 2009 at 2.30pm**

PRESENT: Cllr Barbara Cobbold (Chairman)  
Jeremy Aldous  
Sarah Bird  
Gordon Butt  
Mungo Chapman  
Cllr Barry Edwards  
Peter Freeman  
Andrew Gower  
Ian Marshall  
Cllr Catherine Mayhew  
Cllr James Scholes

ATTENDING: Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)  
Andrew Burton (Kent Highways)  
Chris Thomas (Town Forum)  
Daniel Bech (Town Forum)  
Alastair Tod (Civic Society)

## **MINUTES**

### **1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 22 January 2009 were considered, approved and signed by the Chairman.

### **2. MATTERS ARISING**

- a) New Conservator. It was confirmed that the new Targetfollow Conservator would be At , newly appointed National Facilities Manager, and he would attend the next meeting.
- b) Panorama. The Clerk confirmed that a letter had been sent to the Planning Department in support of the Panorama to be erected by the Civic Society.

### **3. CYCLEWAY**

Andrew Burton, from Kent Highways, outlined the KCC proposals for a new cycleway on the north side of Langton Road from Rusthall Road to just past the roundabout, and on the south side at the top of Major Yorks Road. This would involve widening the existing footpath to 2.5 or 3 metres, which should not have a significant impact on the verges along Langton Road except outside the Renault Garage where all the grass would be removed. The path would be used both by

cyclists and pedestrians and there would be no segregation between them – studies show that in practice accidents on such paths are rare. There would be a pelican crossing by the roundabout. Kent Highways would prefer it beyond the roundabout on Bishops Down Road, leaving the refuge on the Langton Road. If the pelican crossing is put before the roundabout on Langton Road the refuge would be removed.

There was concern that this was the first phase of a much larger scheme and, if the Conservators give permission, the path would be pointless unless they agree to the plans for the extension; therefore they will require more details of the entire plan before giving consent to this part. It was confirmed that the next phase would be to extend the path down Major Yorks Road and then into town. This could involve widening the existing footpath or removing the parked cars and using the road, but neither the route nor the detail has yet been finalised as major consultation will be required. The suitability of using Major Yorks Road at all was queried as taking cyclists to town along Mount Ephraim would appear to be a safer and simpler route. At the other end of the proposed cycleway, no extension is envisaged, as Rusthall Road is considered suitable and safe for cycling.

Concerns were raised about the number of warning and information signs placed on poles and painted on the paths in other such schemes. Mr Burton pointed out that most of these are unnecessary, and he only plans to have signs at the start and end. Although signs are required if the path crosses a road junction, there are no such roads on this route, and he is not required to erect signs where it crosses a drive.

It was pointed out that agreement over title would have to be resolved before any proposal could be implemented, especially in view of the fact that the Manor have not been able to get a resolution to the title issues left from the building of the roundabout. Mr Burton pointed out that Highways do not necessarily need title to the land, but will need it to be dedicated as a cycleway because of the bye-laws prohibiting cycling.

The Joint Transportation Board have endorsed the proposal, and, while Kent Highways do not need an immediate agreement, they need to know that the Conservators are prepared to consider the proposal in order to continue the consultation process. The meeting indicated that they were willing to look at the proposals in more detail. Although Highways can wait until the next meeting for a decision, the money available for the project needs to be spent before April of next year.

**RESOLVED. The committee to hold a site meeting and consider the proposals in greater detail, bringing a recommendation to the next meeting.**

#### **4. BISHOPS DOWN ROAD**

The meeting expressed their gratitude to Andrew Burton for finally resolving the issue which had remained outstanding for many years. He confirmed that the work will be carried out in June, and he will remove the old tarmac before filling in the end of the road with dirt and grassing over. He will restore the eroded bend in Bishops Down Road and lay kerb, but does not have the budget to improve the rest of the road surface.

## **5. TOWN FORUM**

The Clerk invited Chris Thomas, Chairman of the Town Forum, to the meeting to explain the purpose of the Town Forum and how they wish to develop closer ties with the Conservators, given that most of their concerns do not involve the Commons. Mr Thomas told the meeting that the purpose of the Town Forum is to make the town centre a better and more friendly environment and improve tourist attractions, and their members are representatives of local residents associations, town improvement associations, and Councillors from the unparished wards.

He said he would like the Conservators to use the Town Forum when their plans call for wider consultation, and to attend Town Forum meetings when they are relevant to the Commons. The Warden agreed to attend a meeting to talk about future plans for the Commons, and Ian Marshall agreed to attend a meeting in his capacity as a Freehold Tenant. The Town Forum would also like to attend some Conservators' meetings, where appropriate, to convey the views of the Town Forum.

**RESOLVED. Meeting agendas to be exchanged and representatives of the Town Forum and the Conservators to attend one another's meetings when appropriate.**

**RESOLVED. The Warden to arrange a Commons walk for Town Forum members.**

## **6. WARDEN'S REPORT**

It has been an excellent year, largely due to the generosity of the Freehold Tenants, who have funded several very well received projects. The first phase of the major clearance between London Road, Castle Road and Mount Edgcumbe Road is complete, with all stumps ground out for ease of maintenance. The Warden is waiting to see what germinates naturally before making any suggestions for further plantings. The new cherry trees are in flower, and the Brighton Lake and Sweeps Cave paths are proving very popular.

The volunteer work parties from the Friends have achieved a good deal through the winter, mainly clearance at Denny Bottom and Mount Edgcumbe Rocks.

Due to the birds nesting, the only activity on the Commons in the next few weeks will be regular grass cutting and litter picking.

## **7. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2008/9 showing total payments of £18,557.56 and receipts of £22,768.91.

**RESOLVED. To approve Financial Statement No 4.**

**8. UNAUDITED ACCOUNTS AND BALANCE SHEET 2008/9**

The final accounts for the year, which are currently unaudited, show that it has been an unusual year due to the extra spending, funded mainly by the Freehold Tenants. The Treasurer distributed an extra note detailing external contributions to clarify the unusually large income.

He explained that, as the contingency has not been required this year, and the grass cutting budget had not been entirely spent due to the inclement weather, the reserves have gone up to just under £30,000, which is a prudent level given the current financial uncertainty and low interest rates. He stated that the reserves should not be allowed to fall below £20,000 – 23,000, and that, as the budget and precept rise, so should the reserves.

No money has been available from Natural England again this year, but the officers are shortly to begin preparing an application for Environmental Stewardship.

**RESOLVED. To approve the Accounts and Balance Sheet for 2008/9**

**9. ENCROACHMENTS**

The Warden reported that the encroachment at 25 Eridge Road had been dealt with amicably by installing new posts to mark the edge of the Common.

A site meeting was held at Still Green, where residents have tipped spoil over a steep edge for many years, creating a car parking space which is clearly unsafe. The recommendation from the site meeting was that heavy duty concrete bollards, which would be difficult to remove, be installed to prevent people from parking, while still allowing space for turning.

Mr Aldous agreed that this was unlikely to be a long term solution as the bollards would eventually be removed, and stated that he would prefer to install an immovable barrier to completely prevent access by cars, while allowing access for pedestrians to reach the definitive footpath which is currently frequently blocked by parked cars.

The meeting agreed that this would be an unpopular move because of the acute parking shortage in Rusthall, but it was considered necessary to prevent potentially very serious accidents. It was agreed to write to the residents of Woodside Road to explain why the action is necessary. It was also agreed that the planning department should be approached to ensure that they are happy with this solution.

Councillor Mrs Mayhew left the meeting at this point.

Targetfollow agreed to commission a structural engineer's report and draft the letter for the local householders. This should be completed, if possible, before the next meeting of the Rusthall Village Association on 21 May so that the matter can be discussed there.

**RESOLVED. To authorise the committee to consider the structural engineer's report and agree the way forward.**

**10. LINDEN PARK CRICKET CLUB NETS**

The Warden reported that the club had agreed to site their practice nets beside the pavilion as before.

**11. ACCESS LICENCES**

The Conservators were given copies of the Targetfollow draft access licence and the Clerk emphasised that the granting of licences is a commercial transaction between the landowner and householder, and therefore not an issue for the Conservators. There will be two licences, one for passing and repassing, and one to allow access for services.

**RESOLVED. Targetfollow to issue licences for access in the red zone without consulting the Conservators.**

The Warden requested sight of any licences where the access is not in the red zone, as the Conservators' permission may be needed in these few cases.

The Conservators also considered the licence for Bulls Hollow to allow the owner to maintain an area of Common as garden. The terms establish that they have no rights of Common.

**RESOLVED. Targetfollow to grant the licence to Bulls Hollow based on the Warden's measurements, with the addition of a clause that no tree can be removed or reduced without the prior agreement of the Conservators, and all work will be at the householder's expense.**

**12. FELLING OF TREES CLOSE TO HOUSES**

The Warden receives an increasing number of requests to remove or reduce trees that overhang properties, occasionally for safety reasons, but usually to increase light to the house or remove problems of fallen leaves..

**RESOLVED. To recharge all costs to the householder who requested the work unless it is done for safety reasons.**

**13. BULB/TREE PLANTING**

The Warden reported that Cllr Basu had asked the Conservators to consider planting flowering trees and native spring bulbs on the parts of the Commons most obvious to passing traffic, such as Inner London Road, as part of an attempt to brighten up the town with flowers. The Warden reported that the small native daffodil could be mown sooner than the larger, imported varieties, and native, flowering trees such as blackthorn could be considered. However, the soil is not suitable for native wildflowers, so any further attempt to improve colour would involve non-native species.

**RESOLVED.** To refuse the request as the management plan is clear that the Commons are to be maintained as open common land, not park; the issue of colour on the Commons to be considered next time the management plan is reviewed.

**14. COUNCILLORS AS MEMBERS**

The Clerk reported that he had written to the Leader of the Council to make him aware that all the Conservators from the Council sit on Western Area Planning Committee and are therefore unable to take part in planning discussions at Conservators' meetings. This can occasionally be a problem if an application of major importance to the Commons is submitted. The Leader had replied that he would bear this in mind when next making committee appointments. The Chairman announced her intention to take part in Conservators' discussions and absent herself from the Planning Committee meeting where necessary.

**15. HOSPICE 10K RUN**

**RESOLVED.** To grant permission for a run on 20 September 2009 on a similar basis to 2008 and subject to the same terms and conditions.

**16. RUSTHALL BONFIRE**

**RESOLVED.** To grant permission for a bonfire on 31 October 2009 on a similar basis to 2008 and subject to the same terms and conditions.

**17. MATCHBOX OPERA**

**RESOLVED.** To grant permission to display a poster at the entrance to St Paul's Church from 30 May to 13 June 2009.

**18. ANY OTHER BUSINESS**

a) Wealden Progressive Movement March

The Warden read an exchange of emails between himself and this organisation, where they informed the Conservators of their intention to walk across the Commons in a traditional Beating of the Bounds ceremony intended to celebrate the Commons as a wonderful local resource, and foster a sense of community.

Mr Aldous drew the attention of the meeting to their website, where they make it clear that they are a left wing campaigning group whose intention is to protest against Targetfollow who, they believe, are attempting to remove their ancient rights. This is of great concern, as the safety of their staff is at issue. The police are aware of the demonstration.

**RESOLVED. To note the march and raise no objection as it is their legitimate right to walk on the Commons, and to express the hope that they will remove their litter as promised.**

b) Fairground Car Park

Targetfollow informed the meeting that they were looking again at their plans for the car park and will bring proposals to the next meeting.

c) Support Officer

The Support Officer left the meeting at this point.

**RESOLVED. To increase the hours of the Support Officer to 13 hours per week for a temporary period. Hours and funding to be reviewed before the budget for 2010/11 is considered.**

At this point Cllr Scholes and Cllr Edwards left the meeting.

d) Bransby Cottage

The Warden reported that the householder wishes to apply for planning permission for a drive to the property, accessed from an existing drive off Major Yorks Road. They will also wish to negotiate a licence from Targetfollow

**RESOLVED. To raise no objection to the proposal.**

e) Petrol Station

The Warden has met with the developers of the site in London Road, and the Council Landscape Officer. The developers have drawn up plans to tidy up the area of the Common immediately behind the site by removing scrub and many of the trees, and giving the Conservators a one off commuted maintenance payment of a little over £10,000.

**RESOLVED. To continue discussions with the developers.**

## **19. PLANNING APPLICATIONS**

The Firs, Eridge Road – replace garage with larger. No comment.  
Panorama Monument, Tunbridge Wells Common. Supported application.  
Car Wash, Wyevale Garden Centre – erect canopy (retrospective). No comment.

The next meeting will be held at 2.30 p.m. on 9 July 2009 in the Council Chamber.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in the Council Chamber on Thursday 9 July 2009 at 2.30pm**

- PRESENT: Cllr Barbara Cobbold (Chairman)  
Jeremy Aldous  
Sarah Bird  
Gordon Butt  
Mungo Chapman  
Peter Freeman  
Andrew Gower  
Ian Marshall  
Cllr Catherine Mayhew  
Harry Savory
- APOLOGIES: Cllr James Scholes  
Cllr Barry Edwards
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)
- OBSERVING: Daniel Bech (Town Forum)  
Niall Spears

## **MINUTES**

### **1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 23 April 2009 were considered, approved and signed by the Chairman. A request was made that future minutes should show when all attendees join or leave the meeting if they are not there throughout.

### **2. MATTERS ARISING**

#### **a) Audit.**

The Treasurer confirmed that the Borough Council have completed their audit of the accounts and the auditors stated that the controls in place appear to be satisfactory and effective.

#### **b) Development at old petrol station, London Road.**

The Warden has informed the developers that the Conservators wish him to go ahead and discuss the detail of the plan but the meeting has not yet taken place.

c) Planning.

Cllr Mayhew told the meeting that she has stepped down from the Western Area Planning Committee and is therefore now able to take part in all Conservators' discussions concerning planning applications. She also reported confirmation from the legal department that councillors on the planning committee are free to listen to the discussion in Conservators' meetings on any planning matter and ask factual questions without compromising their ability to vote on the matters in the Planning Committee.

**3. WARDEN'S REPORT**

Although the summer weather has increased the litter problems on the Commons, especially on the Lower Cricket Ground, there has been very little trouble at Wellington Rocks, and very little broken glass. In reply to questions, the Warden agreed that the extension of the Alcohol Control Zone may have helped with this as it has led to an increase in police patrols.

Although treework is not normally carried out in the spring, some elms that died from Dutch Elm Disease have been removed and the vandalised cherry tree has been replaced. Other work has included regular grass cutting and spraying for bracken control. The final section of the St Paul's path has been completed, paid for by the Freehold Tenants.

The next few months will see grassland maintenance taking place, and the large collector flail will be utilised shortly. The contractor has recently bought a large tractor, enabling flail use to be more flexible. The Warden pointed out that maintenance of the recently cleared bank would cost £2,000, not £1,000 as stated in the works schedule.

**4. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No1 2009/10 showing total payments of £46,779.92 and receipts of £62,840.21. The Treasurer pointed out that the projections had included an allowance for RPI increases, but the RPI had actually gone down to -0.5%, and therefore the projections have been lowered. He stated that the contracts for grasscutting and litter clearance include a provision for an annual RPI increase, but they have not been lowered this year as the amount involved is very small and it would reduce goodwill.

**RESOLVED. To approve Financial Statement No 1.**

## **5. CYCLEWAY**

The minutes from the committee meeting held to consider the suitability of the cycleway were considered, approved and signed.

The meeting agreed with the committee's conclusions, that the cycleway should not be approved until there is a complete plan in place for taking the cycleway into the centre of town, as they do not know the full implications of granting permission for the part currently proposed.

The Clerk informed the meeting that an organisation had been in touch with the office offering to assist in raising money for cyclepaths across the Commons, but the office had pointed out that the Conservators would be unable to consider any paths that did not come with a guarantee of maintenance in perpetuity, which, in practice, means that only paths installed by KCC could be considered.

**RESOLVED. To write to KCC withholding consent until a complete plan is drawn up.**

## **6. STILL GREEN**

The Warden reported that 'No Parking' notices had been erected by the area illegally filled and turned into hardstanding by local residents, but had been ignored by the car owners using it.

Targetfollow stated that they have had reports from a consultant and a civil engineer confirming that the infilling is not fit for purpose and should not be there. They could do further analysis, but this is considered unnecessary as it is clear that car owners must be prevented from using it for their own safety.

Mrs Blackburn stated that the Environment Agency have been investigating pollution in the stream, and raised the possibility that it could be coming from the infilled area.

Targetfollow expressed their intention to contact the Environment Agency, and asked the meeting to allow them to remove the infilling or prevent parking as they think fit.

**RESOLVED. To support Targetfollow in their proposals and authorise them to proceed, keeping the Warden involved at every stage.**

## **7. RUSTHALL ELMS**

Cllr Cobbold stated that she had left the Western Area Planning Committee meeting during the discussion on Rusthall Elms in order to participate in the Conservators' discussion and decision.

The Clerk told the meeting that a Planning Application has been submitted for construction traffic to use the existing access to Rusthall Elms. There are problems over this application and it may not be valid. He restated the Conservators' reasons for refusing consent previously: the track is not wide enough, there would be

inevitable damage to the Common which the developer may fail to repair, and there is no guarantee that the track would be only temporary.

Targetfollow expressed the opinion that the damage would be extensive and possibly permanent. They agreed that if the Conservators refuse to accept any potential offer of financial support elsewhere on the Common in return for allowing the access to be used, they, as landowners, will not attempt to pursue the matter.

The question was raised whether anything in the proposal had changed since the Conservators rejected the proposal, but the details appear to be the same.

The Clerk pointed out that the Conservators are obliged to prevent encroachments, but they are allowed to permit temporary encroachments.

**RESOLVED. To refuse permission to use the track as a temporary access for construction traffic on the basis of the current proposal.**

## **8. MEETING BETWEEN CLERK AND TARGETFOLLOW**

The meeting was held to determine a simple and quick process to be used when access licences are granted. Where licences are renewed, or new licences are issued on a similar basis to the old licences, Targetfollow will not inform the office. Where licences for new accesses are issued, the officers will be informed. As the County of Kent Act 1980 states that the Conservators have no power of veto over accesses in the red zone, the officers will only raise cases with the Conservators if they are judged to be controversial. If urgency requires taking the matter to the Committee rather than waiting for the next Conservators' meeting, the office will inform all Conservators.

**RESOLVED. To adopt the proposed process.**

Targetfollow confirmed that they intend to continue issuing annually renewable licences, although they will consider permanent easements if the situation requires it. They confirmed that maintenance is the responsibility of the householder. In reply to a question about liability if a member of the public is injured on a drive in a state of disrepair, Targetfollow agreed to investigate and report back to the next meeting.

The Clerk raised the case of a householder who believes he is being asked to pay for a licence for foot access only, and stated that freedom to walk anywhere on the Commons is an entitlement of every Commons user and no licence is required. Targetfollow confirmed that the licence in question is for vehicular access.

## **9. SEMINAR ON COMMONS LAW**

The Clerk reported on a seminar he had recently attended, organised by KCC, where they were addressed by a leading commons law barrister. She confirmed the Conservators' interpretation of the law and that the primary legal foundation is the County of Kent Act 1980. However, the Clerk pointed out that the recent laws relating to commons do not affect Tunbridge Wells and Rusthall Commons which are registered as village green. The restrictions on commons are generally more onerous

than those on village greens. He has a table of criteria that apply to different activities (available in the office), although the main test will always be whether it is harmful or beneficial to the Common. The criteria confirm that if something has been in existence for a considerable length of time, a court would take the view that it is not harmful. Prosecutions under the Act are possible, but the prosecuting authority would be the Borough Council.

He stated that it might be possible to alter the registration to common rather than village green, but this could be an expensive and complicated process, and could lead to a public enquiry if the landowner was not agreement.

## **10. COMPLAINTS**

The Clerk reported that a complaint had recently been received concerning the behaviour of the Warden.

*The Chairman left the meeting and Ian Marshall was appointed temporary Chairman in her absence.*

Although the complaint was found to be without foundation, it became clear that there should be a procedure in place for handling future complaints. A draft procedure was attached to the agenda.

*The Chairman returned to the meeting.*

Conservators commented that all complaints, no matter how small, should be logged, and that email complaints should be dealt with under the formal procedure unless clearly not serious.

**RESOLVED. To adopt the policy as drafted with the above amendments.**

## **11. EVENT/POSTER APPLICATIONS**

### **a) Rusthall United Service**

**RESOLVED. To grant permission for the service to be held on Rusthall Common subject to the same conditions as in 2008.**

### **b) Charity Youth Week**

**RESOLVED. To grant permission for the event to be held on the Lower Cricket Ground subject to the usual conditions.**

### **c) Street Party at Apsley Street**

**RESOLVED. To grant permission for the event to be held on Rusthall Common subject to the usual conditions.**

- d) Wedding at Toad Rock

**RESOLVED. To refuse permission as the event would contravene the Open Spaces Policy.**

- e) Notice regarding Showfields Fun Day

*Ian Marshall was appointed temporary Chairman due to a conflict of interest*

**RESOLVED. To grant permission for the notice to be placed on Tunbridge Wells Common for one day.**

*The Chairman resumed the Chair*

## **12. FITNESS CLASSES ON COMMONS**

The Warden drew attention to the increasing numbers of fitness classes being held on the Commons where no permission has been sought and the office has not been sent copies of risk assessments and PLI. A leaflet for one class was attached to the agenda, but the office had been unable to contact them. Concern was expressed that, should there be an accident to a class member or to a member of the public caused by a class member, the class leader may not have adequate insurance. Although the public have a right to take exercise on the Commons freely, they do not have an automatic right if they are paying for a class. The Warden will try to identify and approach class leaders where he can, and have a standard list of conditions to give them.

## **13. ANY OTHER BUSINESS**

- a) Bishops Down

The Warden recently had a site meeting with the manager of the works, who proposed moving the existing footpath so that it crosses the blocked off section. Soil is required for the infilling, and, as this should be poor soil as close as possible to the existing soil, the Warden suggested scraping a few inches from the surface of the newly cleared area. Targetfollow requested that KCC contact them for permission to carry out the works. The Warden also confirmed that the eroded corner of Bishops Down Road and Hurstwood Lane will have double height kerbing installed with posts behind, supplied by the Warden.

**RESOLVED. To allow KCC to scrape the required quantity of soil from the newly cleared area.**

- b) Environment Agency

The Warden reported that the Environment Agency are offering help with clearing ponds, so they are to spend a day cleaning rubbish from Brighton Lake.

c) Panorama

This is to be installed in early September and unveiled on 25 September by the Marquis of Abergavenny.

d) A264 Road Closure

Targetfollow reported on their concern about the works that would close the main road for six weeks during the summer, not just because of the effect on business, but also because of potential damage to the listed properties on the Pantiles.

The Warden indicated his concern that closure of the unrestricted parking spaces on Major Yorks Road would lead commuters to leave their cars in Fir Tree car park. He was intending to monitor the situation and, if necessary, close the car park until 9.00 a.m.

e) Foraging on Commons.

It was confirmed that collecting food and foraging on the Commons is against the bye-laws.

f) Fairground Car Park.

Targetfollow have commissioned a proposal from a firm of landscape architects which they will try to circulate before the next meeting to give Conservators time to consider their response.

**RESOLVED. To authorise the Clerk to use his discretion in calling either a meeting of the Committee or an informal meeting of all Conservators to consider the proposals prior to the next Conservators' meeting.**

g) New Conservator

Harry Savory was formally welcomed and accepted as a new Conservator representing Targetfollow.

#### **14. PLANNING APPLICATIONS**

Car Wash, Wyevale Garden Centre – erect shed and container (retrospective). No comment.

64 The Pantiles – part change of use. No comment.

33 Eridge Road – side extension. No comment.

The next meeting will be held at 2.30 p.m. on 22 October 2009 in the Council Chamber.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in the Council Chamber on Thursday 22 October 2009 at 2.30pm**

- PRESENT: Cllr Barbara Cobbold (Chairman)  
Jeremy Aldous  
Sarah Bird  
Gordon Butt  
Mungo Chapman  
Peter Freeman  
Andrew Gower  
Ian Marshall  
Cllr Catherine Mayhew  
Harry Savory
- APOLOGIES: Cllr James Scholes  
Cllr Barry Edwards
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)
- OBSERVING: Malcolm and Gwen Dowd, Sue Rabas

## **MINUTES**

### **1. MINUTES OF THE MEETING HELD ON 9 JULY 2009**

The minutes of the meeting held on 9 July 2009 were considered and approved subject to the last sentence before the resolution reading "...the Conservators are obliged to prevent encroachments, but they are allowed to permit temporary *enclosures*." They were signed by the Chairman.

### **2. MATTERS ARISING**

#### **a) Still Green.**

Targetfollow confirmed that the warning signs are in place but the parking has not stopped. There has been no further progress.

b) Fitness Clubs.

The Warden has been unable to discover anything further about the unauthorised clubs meeting on the Commons, but there have been a number of complaints about runners on Wednesday evenings. It has been established that they are not from the rugby club.

*Andrew Gower arrived at this point.*

**3. MINUTES OF THE EXTRAORDINARY MEETING HELD ON 9 SEPT 2009**

The minutes of the meeting held on 9 September were considered, approved, and signed by the Chairman

**4. MATTERS ARISING**

The Clerk reported that the letter to the cricket club setting out the conditions for allowing the nursery school had not yet been sent as the draft letter from Targetfollow had not yet been prepared.

The Treasurer reported that he had spoken to the underwriters from the insurance company and they had confirmed by email that the existence of the nursery would not change the cover required. It continues to be the case that, if the car park is properly maintained and obvious hazards are dealt with, any claimant would have to prove negligence on the part of the Conservators.

*Jeremy Aldous arrived at this point.*

Targetfollow reported that the planning decision on change of use for the cricket club is expected on 16 November and they intend to have the new lease, with conditions, prepared and ready to sign by that date.

**5. WARDENS REPORT**

The Warden told the meeting that all the work on the previous quarter's schedule had been completed.

They will shortly be collecting heather from the Ashdown Forest to spread on the newly cleared areas in order to seed them, but the work may cost more than allowed for in the current schedule.

More benches have been renovated this year, and several old concrete benches removed, both with financial help from the Friends. The Friends have also offered to fund more work at Happy Valley to open up a new path.

The next few months will see the start of the work to push back roadside trees. This year's work will be in Major Yorks Road, where progress should be faster. There will also be remedial work carried out on other trees.

Next month should also see the completion of the work to infill the end of Bishops Down Road.

## **6. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No2 2009/10 showing total payments of £31,455.99 and receipts of £2,365.34. The budget projection is not much changed from last quarter as much of the planned work takes place in the second half of the year. Spending on salary costs will increase due to the increase in the Support Officer's hours and the pay settlement. However, next year's settlement is likely to be a low percentage or none.

**RESOLVED. To approve Financial Statement No 2.**

## **7. COMMONS REGISTRATION**

The Clerk informed the meeting that he and the Support Officer had visited County Hall to view the Commons Register, and had been able to see all the registration documents and the correspondence files. The trip was undertaken as there had been some concern that the level of protection for Village Greens is lower than for Commons. This had proved incorrect, as Village Greens have a different type of statutory protection from Commons, but in some respects are better protected.

However, even if it were felt that the registration was incorrect, the only way to re-register as Commons would be if there had been fraud involved, a mistake on the part of KCC, or if it could be proved that the public did not have a right of access 20 years ago. The registration documents and the correspondence files had been viewed and it was very clear that the registration was intentional and correct. The Conservators had originally applied in 1967 to register as Commons, while the Manor applied to register as Village Green. No registration was able to take place until this conflict was resolved and, after many years of discussions, the parties were all brought together and agreed that the Commons should be registered as Village Green. This was done in 1972

The reason for the registration was that the rights of local people to have free access to the Commons at all times, as defined by the Tunbridge Wells Improvement Act 1890, are better protected as Village Green.

The main points outlined by the Clerk can be found in the appendix to these minutes.

Responding to questions, the Clerk confirmed that the duties of the Conservators were to prevent all encroachments unless there was a clear and overwhelming benefit to the Commons and the people of Tunbridge Wells as a result. For example, had the Conservators not negotiated a land swap with KCC which allowed the top of Fir Tree Road to be closed in return for allowing the roundabout, KCC may have issued a compulsory purchase order for that part of the Common. The roundabout would have been built but Fir Tree Road would not have been closed, so it would have clearly disadvantaged the Commons if the Conservators had refused to allow the encroachment.

Mrs Blackburn expressed the concern of the Friends about the small encroachments that are happening around the edges of the Commons and asked the Conservators to pay more attention to these.

The Clerk confirmed that there is no statutory definition of an encroachment.

## **8. RUSTHALL ELMS**

The Clerk reported on a meeting he and the Warden had attended with a group of residents from the Boundary area. The residents want the Conservators to approve the use of the track across the Common for construction traffic even though the developer has not asked permission, and had prepared a report showing that the only widening required would be at the entrance and on a few bends.

The Conservators felt that this was a clear case where development was not in the best interests of the Commons.

**RESOLVED. To have no further discussion on the matter unless a formal request to use the track is received from the developer.**

*Mr and Mrs Dowd and Mrs Rabas left at this point.*

## **9. LINDEN PARK CRICKET CLUB**

The Clerk reported that the club have constructed a tarmac path down the edge of the cricket ground without obtaining permission, despite requesting that the club consult the Conservators on all their plans at an early stage. Targetfollow confirmed that they had not been consulted either and did not believe the club had applied for planning permission.

It was pointed out that the Conservators may have no authority under the Acts to allow a path, even with a more sympathetic surface, and allowing this one would create a precedent. It is clear that such work without the consent of the Conservators was undoubtedly illegal.

The Conservators expressed concern that, if the nursery school was going ahead, albeit with stringent conditions, the children would need access to the clubhouse. However, it was agreed that the removable barrier close to the club house would allow a perfectly adequate access.

The Conservators also expressed their concern that the cricket club are increasingly ignoring the fact that their permission is required for everything not related to their normal activities, for example the recent landing of a helicopter in connection with a TV commercial.

**RESOLVED. To write to the cricket club explaining the legal position and requiring them to remove the path, and to write to the planning department requesting that they issue an enforcement notice.**

**RESOLVED. The Clerk to write to the cricket club outlining the conditions attached to their agreement to allow the nursery school., having circulated it to the Conservators for their approval. These conditions will be appended to the lease issued by Targetfollow**

*Cllr Mayhew left at this point*

#### **10. PANTILES CAR PARK**

The Conservators had considered the outline landscaping ideas previously submitted.

The Conservators discussed the materials suggested and agreed that several different surfaces, reflecting the different functions of areas of the car park, would be acceptable if they are sensitive and harmonious, and that low level lighting will be considered on safety grounds so long as care is taken to avoid light spilling on to the rest of the Common. Targetfollow will also look at movement triggered lighting, although this may not be appropriate. The Conservators agreed that they would need to see definite proposals before further discussion could take place, although they strongly felt that the car park could not be allowed to extend beyond its current footprint.

The Warden requested that the new plan should be accurate as he had been unable to reconcile the scale given on the map with the existing car park

**RESOLVED. Targetfollow to draw up definite proposals for the Conservators to consider.**

#### **11. COMPLAINT**

The Clerk reported that the person whose complaint had been discussed at the previous meeting had issued another complaint against the Warden regarding an incident that had resulted in the police being called. The Clerk was satisfied that the Warden was elsewhere at the time of the incident and had written accordingly. Jeremy Aldous reported that he had received several emails from the complainant, and was intending to reply that he was not prepared to make any further comment before the outcome of the police investigation.

As the complainant had raised the subject of dog control, the Clerk informed the meeting that the Conservators could not make bye-laws on matters covered by general legislation. The Dangerous Dogs Act applies on the Commons as everywhere else, and it is for the police to enforce.

#### **12. PARKING AT APSLEY STREET**

The Conservators have received a letter from the new owners of a house at the end of Apsley Street requesting that parking should not be allowed on the Common. The Warden reported that a small area, sufficient for three cars, has been used for a long time as the surface matches that of the road, but that recently people have extended this area, and frequently block house entrances.

**RESOLVED.** To leave the original surface, which provides three spaces, but use bollards to prevent further encroachment. The householder to be approached for a contribution to the cost.

**RESOLVED.** Harry Savory to send the Warden a list of parking areas agreed and licenced by Targetfollow in order to identify illegal encroachments.

**13. FOOTBALL COACHING ON THE COMMONS**

The Conservators have been approached by someone wishing to establish football coaching for youngsters on the Commons. Although they do not have definite plans, the proposal is much the same as the cricket coaching sessions that used to take place on the Lower Cricket Pitch

**AGREED.** To allow the classes subject to the usual conditions, and on the basis that they are not for profit.

*Gordon Butt and Peter Freeman left the meeting at this point*

**14. PROBATION SERVICE**

Another approach has been received from the Probation Service offering Community Service on the Commons. The Warden's experience has been that only litter picking is suitable and they do not want to do this. Furthermore, depending on the quality of supervision, they can create more work than they do.

**AGREED.** The Warden to make the judgement over whether or not to accept the offer.

*Mungo Chapman and Ian Marshall and Andrew Gower left the meeting at this point.*

**15. ANY OTHER BUSINESS**

As the meeting was now inquorate, further discussions were informal only.

The next meeting will be held at 2.30 p.m. on 21 January 2010 in the Council Chamber.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in The Council Chamber on Thursday 21 January 2010 at 2.30pm**

- PRESENT: Cllr Barbara Cobbold (Retiring Chairman)  
Harry Savory (Incoming Chairman)  
Sarah Bird  
Gordon Butt  
Mungo Chapman  
Jamie Curtis  
Cllr Barry Edwards  
Peter Freeman  
Andrew Gower  
Ian Marshall  
Cllr Catherine Mayhew  
Cllr James Scholes
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)
- OBSERVING: Daniel Bech (Town Forum)

## **MINUTES**

### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1981 it was noted that the Conservators were required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Harry Savory, representative of the Manor of Rusthall, be appointed as Chairman until the annual meeting of the Conservators in January 2011.**

### **HARRY SAVORY IN THE CHAIR**

Harry Savory thanked Cllr Cobbold for the enormous efforts she had put in during the previous year and noted how much the officers had enjoyed working with her.

### **2. MEMBERSHIP**

The Chairman reported that the under mentioned Conservators had been appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council:

Cllr Barbara Cobbold	)	
Cllr Barry Edwards	)	3rd year of three year term until 31
Cllr Catherine Mayhew	)	December 2010
Cllr James Scholes	)	

Freehold Tenants:

Mungo Chapman	)	
Peter Freeman	)	1st year of three year term until
Ian Marshall	)	31 December 2012
Kate Sander	)	

Manor of Rusthall:

Sarah Bird	)	
Jamie Curtis	)	3rd year of three year term until 31
Andrew Gower	)	December 2010
Harry Savory	)	

The Clerk introduced Kate Sander, Conservator representing the Freehold Tenants.

### **3. DATES OF FUTURE MEETINGS 2010/11**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.30pm on the following dates:**

22 April 2010  
15 July 2010  
21 October 2010  
20 January 2011

### **4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 22 October 2009 were considered, approved and signed by the Chairman.

### **5. MATTERS ARISING**

#### **a) Nursery in Cricket Club.**

It was noted that the nursery had opened and appeared to have minimal impact on the Common and the car park.

b) Parking at Apsley Street.

The Warden reported that there had been no movement on the agreed approach to restrict parking to the original area as other residents had objected. This issue is currently unresolved.

**6. WARDEN'S REPORT**

The Warden reported that the wet and cold weather had caused difficulties through the latter part of the year, and he had been unable to arrange heather seeding as a result. Once the area dries out he intends to clear and sow grass seed until next autumn's heather is available for seeding.

Work has progressed well on clearing the bank by the A26 between the bottom of Major Yorks Road and Sainsbury's roundabout and a request was made to continue the work beyond the roundabout as it was making a great deal of difference.

The Friends have funded a major clearance of the scrub that was obscuring the rock formations at Happy Valley, and this has received a great deal of support from Commons users.

As the project to clear part of the racecourse is to be funded by the Freehold Tenants, he reported that he will have some money left in the tree budget which he intends to use for stump grinding.

*Jamie Curtis and Sarah Bird arrived at this point.*

The Warden reported that the Freehold Tenants had kindly offered to fund a number of projects this year:

- a) continuation of the major clearance near Vale Road to complete the area;
- b) clearance near Gibraltar Cottage to expose further rock formations and open up the views across the town towards the Pantiles. The owner of Gibraltar Cottage is very supportive of this project;
- c) further clearance at Edgecumbe Rocks to expose more of the rock face;
- d) clearance and installation of a new path to meander from the Tarry Path to the Bumps to bring better access to the largest compartment of Rusthall Common;
- e) clearance beside the racecourse between Gorse Cottage and Hungershall Park where it is too overgrown to dry out;
- f) repair work to the path by the Lower Cricket Ground where a section has sunk.

**RESOLVED. To thank the Freehold Tenants for their generosity and the enormous contribution they make to the Commons.**

*Andrew Gower arrived at this point.*

**7. NEW CONSERVATOR**

Harry Savory introduced Jamie Curtis, who is a new Conservator and has recently taken on the role of managing and developing the Pantiles.

**8. SUPPORT OFFICER'S HOURS**

*The Support Officer left the meeting at this point.*

**RESOLVED. To confirm the increase in hours from 10 per week to 12 per week following the conclusion of the trial period.**

*The Support Officer returned to the meeting.*

**9. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2009/10 showing total payments of £30,210.59 and receipts of £63,736.68.

**RESOLVED – that the report be approved.**

**10. PROPOSED BUDGET AND PRECEPT 2009/10**

The Treasurer told the meeting that there was great pressure on public finances at the moment, and the budget takes these pressures into account. The inflation rate is low, but may increase over the next few months, Contractors' costs will be going up with increases in the oil price, and VAT has gone back up to 17.5%. He pointed out that the Conservators are unable to reclaim VAT costs. He has made provision for a 1% increase in salary costs and expects administration costs to increase by 0.5% and maintenance costs to increase by 2%. The Conservators cannot reduce the maintenance budget for trees due to safety considerations, and other maintenance costs are increasing as more areas are cleared. It is anticipated that there will be a small surplus in the 2009/10 budget, due to the pay award being lower than expected.

As the Conservators do not have the power to borrow, he recommended that a reserve of between £25,000 and £30,000 should be maintained.

Taking these considerations into account he proposed a net expenditure for next year of £128,499 and recommended that the precept should be maintained at the 2009/10 level of £124,650. However, he pointed out that the precept limit is adjusted according to the RPI the previous September, and last September this index was negative. Therefore, even though the proposed precept was being held at 2009/10 levels, it would, for the first time, exceed the limit by a little under £2,000.

Answering a question the Treasurer noted that the precept was increased last year by 7%, but there have been years recently when the precept was £11,000 below the limit. The Conservators could have asked for the full amount to build up their reserves, but had taken only as much as was needed each year. He pointed out that the Commons are run on a very tight budget and offer very good value for money.

Also, if the maintenance budget is not high enough to maintain clearances funded by the Freehold Tenants, they may not be able to fund any further improvements.

Cllr Mayhew expressed the opinion that the Conservators should not ask for more than the limit as the money is provided by Council Tax payers who are not able to influence the way this money is spent.

**RESOLVED – that the proposed budget for 2009/10 be approved.**

**RESOLVED – that the precept of £124,650 be approved by a vote of 11 to 1.**

*Cllr Mayhew left the meeting at this point*

**11. TOWN FORUM**

The Clerk reported that he, Ian Marshall and Steve Budden had attended a Town Forum meeting last October and he had attended another meeting and reception shortly before Christmas. The purpose was to outline to Town Forum members how the Conservators work and answer any questions. They had each spoken about different aspects of managing the Commons, and had been very well received, feeling that relations between the two bodies were very much improved. They had agreed to attend occasional meetings in the future, particularly if the subjects to be discussed affect the Commons.

**12. MAJOR YORKS CAR PARK**

The Chairman confirmed that plans were still being drawn up, but would stick to the existing footprint and use sympathetic materials and lighting. He confirmed that the unacceptable lighting being used at present is only temporary. He agreed to let the Conservators see the plans before applying for planning permission to get their approval and to enable members of the Western Area Planning Committee to consider them.

**13. STILL GREEN**

The Chairman confirmed that no progress had been made since the ‘no parking’ notices had been erected, and these were being ignored. Targetfollow agreed that it was for the landowner to resolve, and will have a site meeting with the Warden and update the next meeting on any progress.

**14. CRICKET CLUB PATH**

The Warden showed the Conservators pictures of possible surfaces that could be applied to the existing tarmac. He recommended that the finish should resemble the path from Major Yorks car park to the Pantiles by using light coloured gravel stuck to a bitumen layer. The Conservators expressed concern that the surface would not be very durable, preferring resin bonded gravel, but the Warden pointed out that this

would be very much more expensive to apply. He confirmed that the large patio area was to be removed and the path would be a constant 1 metre width.

**RESOLVED. To allow the cricket club to apply a surface of gravel on bitumen on condition that the wide patio area is removed and the club agree in writing to maintain the surface.**

**15. RUSTHALL ELMS**

An email from the Boundary residents association was circulated, but the Conservators agreed that it did not affect their previous decisions on the subject of access.

**16. HIGHER LEVEL STEWARDSHIP APPLICATION**

The Warden reported that Kent Wildlife had begun work on the mapping necessary to apply for HLS and that, having been invited to apply, the Conservators stood a good chance of success.

**17. HIGHWAYS ENCROACHMENT**

The Warden reported that before Christmas he had stopped Kent Highways from digging out the edge of the Common on Major Yorks Road to install a bus stop. They replaced the soil they had removed although it will need to be reseeded. The Warden had reported the matter to Targetfollow who have written to Highways.

**RESOLVED – The Conservators to write to Highways to point out that encroachments on the Common without the permission of the Conservators are illegal.**

**18. ANY OTHER BUSINESS**

**a) Rusthall Parish.**

The Clerk reported that the Borough Council are looking at the possibility of creating a separate Rusthall Parish and have asked for his advice on the implications for the precept. He has written to the Leader of the Council to explain that the power to precept is clearly laid down in the County of Kent Act 1981 and the Conservators have no choice but to precept Tunbridge Wells Borough Council. It would therefore be up to them to devise ways to share the running costs with Rusthall Parish.

He also pointed out further complications, that the whole of Rusthall Common is not contained within Rusthall ward, and that TWBC provides four Conservators which the new parish may not accept if they have to contribute to running costs.

b) Bishops Down Road.

The end of the road has been filled and returned to Common but the Freehold Tenants are dissatisfied as the infilling has stopped short of the agreed end.

**RESOLVED. To write to Andrew Burton of Kent Highways to request that the job is completed to the specification agreed with him.**

c) Gorse.

The Warden confirmed that the volunteers are due to clear the overgrown gorse between Wellington Rocks and the Lower Cricket Ground where it is encroaching on the path before the birds start nesting.

**19. PLANNING APPLICATIONS**

5 Lower Green Road – internal alterations, garage doors, roof lights. No comment.

2<sup>nd</sup> Floor Flat, Tunbridge Wells and Counties Bridge Club – internal alterations and renewal of windows. No comment.

13 Langton Road, Tunbridge Wells – roof alterations. No comment.

Linden Park Cricket Club – variation to nursery opening hours. No comment.

10 Lower Green Road – change of use of room from shop to residential. No comment.

Bransby Cottage, Major Yorks Road – drive across Common to access property, previously agreed by Conservators. No comment.

The next meeting will be held at 2.30 p.m. on 22 April 2010 in Committee Room B.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 22 April 2010 at 2.30pm**

- PRESENT: Harry Savory (Chairman)  
Sarah Bird  
Mungo Chapman  
Peter Freeman  
Ian Marshall  
Cllr Catherine Mayhew  
Kate Sander
- APOLOGIES: Cllr Barbara Cobbold  
Jamie Curtis  
Cllr Barry Edwards  
Andrew Gower  
Cllr James Scholes
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)
- OBSERVING: Daniel Bech (Town Forum)

## **MINUTES**

### **1. CHAIRMAN**

The Clerk confirmed that Harry Savory would continue as Chairman until the end of 2010.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 21 January 2010 were considered, approved and signed by the Chairman, subject to an amendment to the list of those present, removing the name Gordon Butt and inserting the name Kate Sander.

### **3. MATTERS ARISING**

#### **a) Pantiles Car Park.**

Targetfollow confirmed that the unacceptable temporary lighting in the car park was to be removed the following day. They also confirmed that they were aware of the litter problem as the car park is currently unattended. They have been sending operatives from the Pantiles to remove the litter but they do not have

sufficient spare capacity for a thorough job. An attendant is being urgently sought by RCP.

b) Cricket Club Path.

The Clerk reported a letter from the Chairman of Linden Park Cricket Club agreeing to remove the large apron of tarmac but questioning the necessity of resurfacing the path with the Conservators' choice of finish, especially as the other, KCC maintained, paths nearby are tarmac. The Conservators expressed the strong view that they have compromised with the Cricket Club through a series of encroachments and failures to consult, and they must comply with the instruction to comply with the Conservators' usual finish.

**RESOLVED. The Clerk to write to the Cricket Club to advise them that they must resurface as requested or dig up the path by the end of May.**

c) Highways Encroachment.

The Clerk reported that he had received a letter from the Transport Engineer responsible at KCC apologising for the misunderstanding over the bus stop on the Common and agreeing to consult the Conservators before taking any future action.

**RESOLVED. Clerk to inform Highways that their remedial action is inadequate and they must make good the bank before any more soil crumbles into the road.**

d) Rusthall Parish.

Mrs Blackburn informed the meeting that a Community Governance Review is to be held in June, with a consultation deadline of 30 June. Only local residents will be consulted although the Conservators can make their views known. The boundary of Rusthall Ward excludes part of Rusthall Common, as well as the cemetery, church and recreation ground, but the boundary could be changed to include this area. The Treasurer thought that the precept would be divided on the tax base, not the amount the Conservators spend on each Common.

**RESOLVED. Clerk to speak to the Delivery Unit and call a Committee Meeting if the plans are judged to be controversial and the Conservators need to submit their views.**

e) Bishops Down Road.

The Warden reported that he had met the Highways Engineer who had agreed that the current finish was not good enough, and agreed to extend the infill to the point previously agreed. When the work is done in Vale Road (see item 7), the spoil will be used for this purpose. This should be completed in June/July.

#### **4. WARDEN'S REPORT**

The Warden reported that the last few months had seen great progress on the Commons. The major cleared area between Castle Road and London Road was now level and seeded, although the finishing work had cost rather more than anticipated.

Clearance work had also been done at Mount Edgcumbe Rocks and almost twice as much rock face was now exposed.

The clearance at the edge of Happy Valley close to Nevill Park had been completed successfully, but subsequently sewage had been found bubbling up between the rocks. Both the Environment Agency and the Environmental Protection department of TWBC had been informed, but no progress has been made on tracking down the source, which is thought to be a leaking septic tank.

The Warden also informed the meeting that a young man living locally was setting up a volunteer group to remove litter from the wooded areas and places the litter contract does not cover. The Warden will supply the group with litter pickers and black bags.

He reported that the new cricket nets are nearly in place beside the pavilion. He took the opportunity to do some clearance behind the pavilion, and arranged for the contractor to dump some of the removed soil there to even out the area for easier maintenance.

He also talked about the increase in rough sleepers. He has moved four so far and another couple were to leave by the weekend. It is not normally a problem except when they are drug users and threatening, but it was recently reported that human excrement had been left in the open.

#### **5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2009/10 showing total payments of £39,842.46 and receipts of £14,464.48.

**RESOLVED. To approve the report.**

#### **6. DRAFT ACCOUNTS AND BALANCE SHEET 2009/10**

As there are still some outstanding items the accounts are only estimates, but are not expected to change substantially. Once the accounts are finalised they will be submitted to the auditor, and the audited accounts will be brought to the July meeting.

The accounts reflect an overspend due to more work than anticipated taking place on the clearances, as well as more tree work and more ditch work. They also reflect the cost of making the HLS application, most of which will be recovered in the new financial year. The Treasurer told the meeting that, as a result, the reserves have dropped below a prudent level, so there will need to be an underspend of around £5,000 in the forthcoming financial year to raise the reserves to £27,000. These

cutbacks will reflect the fact that some of the 2010/11 work was completed and paid for in 2009/10. The Warden stated that although all improvement works lead to maintenance consequences, he is trying to ensure that the clearances are easy to maintain.

The Treasurer informed the meeting that the precept had been accepted, but that he will have discussions with the Borough Council earlier in the process next year. He does not expect the same problem in future years which was caused by the unusual fall in the Retail Price Index.

**RESOLVED. To approve the draft accounts and balance sheet 2009/10.**

**7. LONDON ROAD CROSSING**

KCC are planning an alteration to the path leading to the Vale Road crossing to improve pedestrian safety. They will remove the existing steps and galvanised barrier and re-angle the path to make it less steep, with a barrier at the bottom that is more in-keeping with the area. The work will necessitate removing a considerable depth of soil from the adjacent bank to enable pedestrians to see the oncoming traffic and this will be used to extend the infilling at the end of Bishops Down Road, covered in item 3 (e). They are also to put a pedestrian refuge in the road.

**RESOLVED. To agree to the proposed works.**

**8. HLS APPLICATION**

The Warden reported that the application was nearly ready to submit. He believes that the Commons will only be eligible for payments at the lower level but, as the area of open grassland has been increased due to recent clearances, the eligible land may still produce in the region of £2,000 p.a. and there is an opportunity to add further land into the scheme as it is cleared. In addition, the Commons should be eligible for scrub clearance payments for maintaining the rock formations.

Once the Commons are accepted onto the scheme, discussions could be started on the possible introduction of grazing, which would attract a higher level of payments as well as capital payments for set-up costs such as fencing and provision of water. If grazing were to be considered, it could be introduced on selected, relatively unused, areas.

**9. STILL GREEN**

The Chairman reported that Targetfollow are concerned by the condition of the area being used for parking as it appears to be moving. They have investigated the introduction of barriers and posts leaving a turning circle, but these are expensive and can be removed. There is also no guarantee that parking would not take place in the turning circle.

They therefore propose painting a white line across the end of the road with clear signs warning that no parking should take place beyond that point. Any cars parking

beyond that point would then be clamped by RCP. They will write to all residents of Woodside Road before this is done to ensure that they are all aware of the changes. This would appear to be the best solution as the residents will still have a turning circle, and the expense and difficulty of removing the material will be avoided.

It was suggested that a residents' meeting would be useful for venting their feelings; it was also suggested that a few feet of material could be removed which would make parking impossible without the difficulty of removing it all.

#### **10. ENCROACHMENT PAPER**

The Freehold Tenants circulated a draft policy for dealing with encroachments including a flow chart. The paper was based on the laws applying to the Commons as well as consultations with other County Councils and Defra.

Although broadly welcomed, concern was expressed that it should not be so prescriptive that the discretion of the Conservators is fettered. It was agreed that the finalised document should be a set of guidelines, not protocols.

It was also agreed that the question of enforcement should be considered.

**RESOLVED. To form a working party with representatives from all Conservators' groups and the officers to develop the paper.**

*Cllr Mayhew left the meeting at this point*

#### **11. HEALTH AND SAFETY POLICY**

**RESOLVED. To adopt the policy as submitted, together with a systematic and simple system of record keeping devised by the office; the policy to be reviewed every three years.**

#### **12. TUNBRIDGE WELLS IN BLOOM**

The organising committee have written to the Conservators to invite them to take part this summer. The Clerk stated that the Conservators had already considered the issue and felt it would be inappropriate for most parts of the Commons, although some areas could have native bulbs if these were supplied. However, there did not appear to be any funding. The Friends of the Commons requested permission to plant the old horse trough at Brighton Lake with native heathers.

Daniel Bech was invited to speak and he explained that the committee are trying to create awareness of the project and are looking for sponsors for floral troughs.

**RESOLVED. To allow the Friends to plant the horse trough, but to do no further planting.**

**13. APSLEY STREET PARKING**

The Warden reported that the situation had not changed: one resident is pressing for cars encroaching on the Commons to be removed, while other residents want them to remain as there is no other parking in the area. The complainant has partially removed his problem by placing a large planter outside his gate to prevent parked cars from coming too close. Although the parking is clearly an encroachment, most of it takes place on tarmac, at least part of which is an access to a drive.

**RESOLVED. The Chairman to investigate and report to the next meeting.**

**14. HOSPICE IN THE WEALD FUN RUN**

**RESOLVED. To grant permission for a run on 19 September 2010 on a similar basis to 2009 and subject to the same terms and conditions.**

**15. RUSTHALL BONFIRE**

**RESOLVED. To grant permission for a bonfire on 30 October 2010 on a similar basis to 2009 and subject to the same terms and conditions.**

**16. ANY OTHER BUSINESS**

a) Rocklea.

The owner wishes to have some sort of barrier around the house to give a measure of privacy as the site is very exposed. He has proposed planting a hedge of native species that he would pay for and maintain. It was suggested that a future owner may not keep the hedge in good order, but the Warden felt that the Conservators could simply remove it if the situation arose.

The owner also asked permission to plant a creeper to grow up the wall which frequently attracts graffiti and is difficult to clean. Concern was expressed that the only suitable native species, ivy, may damage the wall. The Conservators would not allow Virginia Creeper or Russian Vine.

**RESOLVED. To allow the planting of the mixed native hedge and to request further details on the proposed planting of a creeper.**

b) Garden Centre, Eridge Road.

Contractors for the Garden Centre have been strimming and removing overgrown vegetation on the Common by the Garden Centre fence and are planning to plant a hedge on the Common outside the fence.

**RESOLVED. To permit the planting of a mixed hedge of native species to be maintained by them at fence height. The Warden to negotiate to ensure a satisfactory outcome.**

c) Old Petrol Station, London Road.

A car wash appears to be opening on the derelict garage site. No planning application to develop the site has been submitted since the last one was withdrawn in 2009.

d) Footpath from Mount Ephraim to London Road.

The footpath at the very top of Tunbridge Wells Common, shortly before the point where Mount Ephraim joins London Road, was very icy and potentially dangerous in the winter. The footpaths officer of KCC has offered to resurface the path with granite chips and will install a handrail in galvanised steel, or a finish more in-keeping with the Commons if the Conservators pay for it.

**RESOLVED. To accept the resurfacing but to press for a barrier across the end rather than a handrail.**

**17. PLANNING APPLICATIONS**

19 Apsley Street – rear extension. Advised that no materials to be stored on Common

Linden Park Cricket Club – footpath. Advised that the Conservators required the removal of the large area and new surface. Application passed with condition that large area removed.

12-16 The Pantiles – conversion to outfitters. No comment.

Satis, Mount Ephraim – demolition and rebuilding of extension. Advised that no materials to be stored on Common or vehicles to wait on the verge.

1 Nevill Park – single storey extension. No comment.

60 London Road – rear verandah and steps. No comment.

12 Common View – addition of flue. No comment.

The next meeting will be held at 2.30 p.m. on 15 July 2010 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 15 July 2010 at 2.30pm**

- PRESENT: Peter Savory (Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Ian Marshall  
Kate Sander  
Cllr James Scholes
- APOLOGIES: Cllr Barry Edwards  
Peter Freeman  
Andrew Gower  
Martin Sleeuw
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)
- OBSERVING: Michael Rigby

## **MINUTES**

### **1. CHAIRMAN**

It was formally noted that Peter Savory and Martin Sleeuw are the new Conservators representing the Manor of Rusthall, and that Peter Savory will be the Chairman until the end of 2010.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 21 January 2010 were considered. Ian Marshall proposed an amendment to item 10, seconded by Mungo Chapman. This was carried by three votes to nil. The resolution is unchanged. The amended minute will read:

“The Meeting considered the paper prepared by the Freehold Tenants setting out a draft policy for dealing with encroachments which was based on the laws applying to the Commons as well as consultations with other County Councils and Defra. The paper was broadly welcomed. It was noted that the existing discretion of the Conservators would not be fettered. It was agreed that a working party should be formed to develop the paper, including consideration of the question of enforcement, into a final document for consideration at a future meeting of the Conservators.”

### **3. MATTERS ARISING**

a) Gordon Butt.

The Clerk was asked to write to Gordon Butt on behalf of the Conservators to express their thanks for the many years he spent as a Conservator.

b) Daniel Bech.

The Clerk reported the unexpected and sudden death of Daniel Bech the previous month and noted that a letter of sympathy had been sent to his widow.

c) Consultation for Rusthall Parishing.

Mrs Blackburn informed the meeting that the consultation deadline was the end of July, not June as previously stated.

d) Bus stop.

The Warden reported that he has spoken to the engineer from Kent Highways and the provision of the bus stops in Major Yorks Road is proving more complex than previously thought. The project is therefore on hold.

e) Lighting in Pantiles Car Park.

Targetfollow confirmed that no decision has been taken on lighting in the Pantiles Car Park and they are aware that the consent of the Conservators will be required.

f) Bishops Down Road.

The Warden quoted a letter from Kent Highways dated March 2009 confirming that the infill would be taken to a point 11m west of the entrance to the Spa Hotel. However, a new traffic closure order would be needed before this could be done. Cllr Scholes requested that the Conservators complain to Kent Highways at this incompetence.

The spoil from the works at Vale Road has been used to level the infill, although a lot more will be required if it is to continue further. The Warden confirmed that Kent Highways will prepare the seedbed and provide grass seed both for this and for the bank at Vale Road. The seed will be sown when germination conditions are favourable.

### **4. WARDEN'S REPORT**

The Warden reported increasing problems with rough sleepers. In one case he had disposed of a tent and belongings, resulting in a homeless man camping outside the Gateway for a week to protest. The police have agreed to move rough sleepers from the Common in future.

The problem of sewage seeping out at the new Happy Valley clearance has still not been resolved. The council's environment team has traced the problem to a cracked or blocked pipe from the old school houses and church buildings which appears to run under the Common, but neither they nor Southern Water will take responsibility. The Conservators agreed that they have no responsibility, and have the right to charge the householders for the costs of clearing up the contamination.

**RESOLVED. The Conservators and Target follow both to write to the Borough Council to require them to take responsibility urgently.**

Asked about access to the bus stop on Langton Road near Rusthall Place for the elderly and disabled, the Warden reported that he had spoken to a Kent Highways traffic engineer but the solution is not obvious as the path is too dangerous and narrow to allow a gentler slope to the bus stop and the problem is compounded by motorists knocking down bollards by driving too close to the verge. He confirmed that, whoever owns that piece of land, it remains Common.

## **5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 1 2010/11 showing total payments of £53,503.40 and receipts of £62,437.71.

**RESOLVED. To approve the report.**

## **6. FINAL ACCOUNTS AND BALANCE SHEET 2009/10**

The Treasurer gave a verbal report as the details were submitted to the previous meeting in draft form and the final accounts are available on the website. The only corrections to the draft are a reduction of £306 in the total expenditure.

The accounts have been audited by the Borough Council who have written to say that the controls in place appear to be satisfactory and effective.

The Treasurer confirmed that the reserves should remain at a level of £25–30,000 and, although an increase would be desirable, this would not be easy to achieve as costs are rising, including the 2.5% rise in VAT from January 2010.

**RESOLVED. To approve the accounts and balance sheet for 2009/10.**

## **7. CRICKET CLUB PATH**

The Clerk reported that the Cricket Club have not responded to his letter dated 29 June 2010 in which they were given one month to complete the removal of the apron.

**RESOLVED. The Clerk to write again to the Cricket Club and inform the Planning Enforcement team.**

**8. RUSTHALL PARISHING**

The Clerk reported that he had had a very useful meeting with the Legal Services Manager and the Head of Finance and Governance. He was assured that the parishing would not prejudice the ability of the Conservators to precept the Borough Council, who accept their legal duty to make the payment and have no intention of changing the method. The Borough Council will use a statutory formula to decide Rusthall's share of the precept, but this will be a matter between the two bodies. They do not intend to alter the system of appointing Councillors as Conservators and will continue to ensure one of them is a Rusthall Councillor. Rusthall Parish Council may wish to send an observer.

Mrs Blackburn advised the meeting that, if the Parish Council is set up, they will ask for a Boundary Commission review to try to incorporate those parts of the village which will not be included in the parish.

**RESOLVED. Clerk to write to the Borough Council to say that the Conservators have no concerns with the current plans.**

**9. ROCKLEA**

The meeting was informed that the owner of Rocklea is drawing up plans for an extension but has not yet applied for planning permission. The Conservators do not believe it necessary to take a view at this stage.

**RESOLVED. The officers to circulate the details when the application is submitted.**

**10. HOSPICE 10K RUN**

The Conservators have already granted permission for the run to start and finish on the Lower Cricket Ground, but the organisers have requested permission for a band to entertain the people waiting from 10.00 until around 12.30. This would require controlled amplification.

**RESOLVED. To grant permission for live music on condition that the Hospice has obtained any licences that may be necessary, and subject to liaison with the Warden.**

**11. HIGHER LEVEL STEWARDSHIP**

The Warden reported that Natural England have not yet responded to the application.

**12. PATH AT MOUNT EPHRAIM/LONDON RD JUNCTION**

The Footpath Officer from KCC is looking at the possibility of erecting a barrier across the end of the path, but the path will need widening to achieve this. The resurfacing will go ahead as previously agreed.

Cllr Scholes informed the meeting that he has some money earmarked for such projects, so if the cost of the widening and the barrier is an obstacle to completing it, he may be able to help. The office will put Cllr Scholes in touch with the Footpaths Officer to discuss the requirements.

The Warden also informed the meeting that there was a delay on barrier orders so neither the path nor the new crossing at Vale Road would have the barrier in place until August at the earliest.

**RESOLVED. To ask the Courier to run a story to explain the improvements being made and the delay to the barrier.**

**13. APSLEY STREET PARKING / STILL GREEN**

The Chairman explained that he had only recently taken over the job and therefore there had been no progress on either matter. Mrs Blackburn warned that there may be many situations arising shortly concerning responsibility for path upkeep.

**RESOLVED. The Chairman to investigate and report to the next meeting.**

**14. WYEVALE GARDEN CENTRE**

The Warden reported that he had met with the contractor and was satisfied with the proposals. They are to plant a hedge of native plants and maintain it to the height of the fence. Further fencing will be erected where needed to define a clear boundary.

**RESOLVED. To obtain written confirmation from the Contractors that the work will be completed as planned.**

**15. ANY OTHER BUSINESS**

a) Local Plan/Transport Strategy.

The Clerk reported that he had briefly scanned the lengthy documents on the Borough Council website and there did not appear to be any plans which may affect the Commons, although the emphasis on encouraging cycling will lead to the establishment of further cycleways across the Borough.

**RESOLVED. To write to the Borough Council to point out that bye-laws prohibit cycling on the Commons.**

- b) Sign for Showfield/Ramslye Fun Day.

**RESOLVED. To grant permission to the organisers to place a sign on the Common at the end of Broadwater Lane for two days to advertise the event.**

- c) Rocklea wall.

Permission was given in the previous meeting for the owner of Rocklea to plant a hedge, which had duly been planted. He had also asked permission to plant a climber to grow up the wall and had suggested Hedera helix, possibly a variegated variety. As with the hedge, the owner has undertaken to maintain it. The wall is not listed.

**RESOLVED. To grant permission to the householder to plant Hedera helix on the Common to grow up the retaining wall.**

- d) Parking at the top of Major Yorks Road.

Cllr Scholes informed the meeting that he is speaking to Kent Highways about preventing parking at the very top of Major Yorks Road near the roundabout as he feels this is a safety hazard.

**RESOLVED. The Clerk to write to Kent Highways in support of a restriction to parking at the top of the road.**

## **16. PLANNING APPLICATIONS**

71 London Road – alterations to garage. No comment.

Wyevale Garden Centre – relocation of containers and fence. No comment.

12-16 The Pantiles – new fascia and sign. No comment.

The next meeting will be held at 2.30 p.m. on 21 October 2010 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 21 October 2010 at 2.30pm**

- PRESENT: Peter Savory (Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Cllr Barry Edwards  
Peter Freeman  
Ian Marshall  
Cllr Catherine Mayhew  
Cllr James Scholes
- APOLOGIES: Kate Sander
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Common)  
David Thomas (Linden Park Cricket Club)  
John Harvey (Linden Park Cricket Club)
- OBSERVING: Anne-Marie Canavan  
Jenny Barsby-Robinson  
Maria Simmons

## **MINUTES**

### **1. APOLOGIES**

Apologies were received from Kate Sander.

### **2. LINDEN PARK CRICKET CLUB**

David Thomas and John Harvey were invited to the meeting to discuss the failure of the Cricket Club to remove the tarmac apron outside the clubhouse, as previously agreed. Mr Thomas outlined the club's reasons for wishing to keep the apron: that the area in question tends to be waterlogged and it was not easy to grow grass there; that the heavy mowers and other machinery can be moved more easily and cause no damage; access is easier for disabled people; the cost of removal would be very high and beyond the club's resources; and, most importantly, that it gives mothers and small children somewhere safe to wait when collecting children from the nursery school.

The club were reminded that they had agreed in writing, several months earlier, to remove the apron and they were now going back on this agreement. They were also

told that the Conservators have a legal obligation to prevent all encroachments on the Common.

Mr Thomas apologised for the mistakes the club had made in not consulting the Conservators and agreed to give a written assurance that there would be no such failures in the future.

**MOTION. Proposed by Peter Savory, seconded by Peter Freeman.  
That the Conservators allow the apron area of tarmac to remain on condition that the Cricket Club give written assurance to consult with the Conservators over any future plans and to make no changes without the permission of the Conservators.  
Carried unanimously.**

**RESOLVED. The Conservators reserve the right to require the removal or reduction of the apron area in future if the nursery school stops using the premises.**

**RESOLVED. To make no objection to the Cricket Club's planning application to remove the condition relating to the apron.**

*Cllr Catherine Mayhew left the meeting at this point.*

*David Thomas and John Harvey left the meeting at this point.*

### **3. PARKING PROBLEMS AT RUSTHALL VILLAGE**

Cllr Edwards advised the Conservators of the increasingly difficult parking situation in the village centre. To ease the situation the villagers need additional parking close to the centre of the village, and some extra space could be created by putting in more parking bays on Common View, between numbers 23-32.

The Clerk pointed out that, under the County of Kent Act 1981, the Conservators have a duty to protect the Common from encroachment. Common land can only be considered for parking if it is in the interests of the Commons and its users. It is not within the powers of the Conservators to provide a car park to benefit the traders and shoppers in Rusthall.

The Warden pointed out that the area in question is a Site of Special Nature Conservation Interest, and it is the duty of the Conservators to protect this.

Cllr Edwards thanked the Conservators for considering the question even though the answer was as expected.

### **4. PARKING IN HARMONY STREET/APSLEY STREET**

It was reported that Kent Highways are planning to put double yellow lines along Harmony Street on the Toad Rock side, removing some of the parking and thus exacerbating the general parking problem in the area. The residents want all roadside

parking in the area to be for residents only. The Conservators pointed out that they have no control over either of these matters. It was suggested that parking bays should be marked on the road which should make more efficient use of the existing space.

The Warden pointed out that the edge of the Common is being eroded by cars being parked too close and he is therefore planning to install granite posts which will keep cars clear from the edge but will not assist the parking problem.

Cllr Scholes agreed to have a site meeting with Cllr Davis from Kent County Council, which the Warden will attend, to see if any progress can be made on the issues.

*Jenny Barsby-Robinson and Maria Simmons left the meeting at this point.*

It was agreed that bollards, blocks or tree trunks should be used to block access to the part of the Common on Harmony Street that has recently been used by residents for parking.

#### **5. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 15 July 2010 were considered and approved, except for the final word of the final paragraph of item 6, page 244, which should read 2011, not 2010.

#### **6. WARDEN'S REPORT**

The Warden told the meeting that it had been a successful summer, assisted by the weather. All the long grass and paths, as well as the slope above the coach park in London Road, have been cleared, and the ditching and seat renovation completed. The Freehold Tenants have agreed to pay the costs of collecting heather from Ashdown Forest to seed the new clearances.

He also reported that grass seed had been sown on the cleared bank opposite Vale Road and on the infilled area at Bishops Down Road. The Clerk told the meeting that he had received a letter from Kent Highways stating that a new stopping up order would be required to continue the infilling to the point agreed with Andrew Burton.

**RESOLVED. To request Kent Highway Services to take all necessary steps to obtain a stopping up order to allow the infilling to continue to the point 11 metres west of the access to the Spa Hotel.**

The Warden was asked if putting up fencing around the sewage leak at Happy Valley adds to the Conservators' liability. The view was taken that the fencing is a sensible precaution and does not make the Conservators liable for any problems which result from the leak, contamination or currently open sewer. The Warden reported that the insurers have now instructed Metro Rod to complete the work. When it is complete

he will ask Environmental Health to report on the safety of the area to the public. It was agreed that the insurers should pay for any clean-up required.

**7. ACCOUNTS AND FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 2 2010/11 showing total payments of £21,703.30 and receipts of £1,999.58. The report showed a comparison of projected expenditure and income with the approved budget. Some savings have been made to increase the balance carried forward at the end of the year. The projected net expenditure should result in reserves of £26,000.

Salaries would be raised by 1%, as budgeted for, from April 2010 in line with the Borough Council settlement. However, the Borough Council were no longer linked to the national pay negotiations and have agreed to an increase of 2% from April 2011. However the Conservators will need to decide next year and in future years the level of annual pay increases.

Allowances and expenses have been linked to RPI but the rate in March was 4.4% which both Clerk and Treasurer feel would be inappropriate in the current financial climate. They have therefore agreed to keep their allowances at the current rate.

**RESOLVED. To approve Financial Statement No 2 2010/11.**

**8. HIGHER LEVEL STEWARDSHIP**

The Warden reported that the Commons have finally been accepted into the scheme. The payments are not as high as hoped at around £1500 p.a. for ten years, and at the moment there are no discretionary payments available for scrub clearance at the SSSI. However, these may be resumed if the financial climate improves, and there are opportunities to have any newly cleared areas admitted to the scheme. The maintenance levels required by the scheme are in line with current management practice so there is no extra burden.

**9. TORRINGTON CAR PARK SIGN**

It was agreed in the summer that the Variable Message Sign to be erected on London Road before the Vale Road junction would be sited on the pavement side of the road opposite the Common. KHS also wish to replace the current Torrington sign with a VMS sign on the same footprint. If permission is refused, they have indicated their intention to place it on the pavement opposite the current site.

The Conservators expressed several concerns, including that of setting a precedent for illuminated signs on the Common.

**MOTION. To refuse permission to put a VMS sign on the Common. Carried by 5 votes to 3.**

**10. PANTILES CAR PARK**

The Chairman presented three sets of alternative plans and asked the Conservators to send their feedback to him and the office prior to a full discussion at the next Conservators' meeting. He confirmed that the parking area is restricted to the current footprint in two of the three options. The third option includes an encroachment to provide extra parking bays to pay for the more expensive surfaces.

The Chairman reported that the short term lighting solution would be as last year, with one raised light powered by a generator

**11. APSLEY STREET ROAD SURFACE**

The Clerk confirmed that allowing residents to drive and park on the lower, unadopted part of Apsley Street does not bring any obligation on the part of the Conservators to maintain it. It was agreed that if the residents wish to repair the potholes at their expense this would be encouraged.

**12. PATH AT MOUNT EPHRAIM/LONDON RD JUNCTION**

The Footpath Officer from KCC has agreed to erect a barrier in two staggered sections to match the new barrier opposite Vale Road. The path will be widened by 10cm each side to accommodate it. The Friends of the Common had offered to fund a handrail but Cllr Scholes agreed to fund it from his budget. It was confirmed that the rail will be placed on the opposite side to the benches and bins.

**RESOLVED. To allow the installation of the barriers and handrail.**

**13. CROCUS BULBS**

The Rotary Club have proposed planting 1500 crocus bulbs on the triangle of road by Vale Road to draw attention to their work in funding polio vaccines in the third world. Because of the difficulty of keeping the grass neat after flowering, the Conservators felt it more appropriate to plant the bulbs on the verges beside the A264 near the daffodils.

**RESOLVED. To allow the planting of crocus bulbs beside the A264 but not at Vale Road.**

**14. ANY OTHER BUSINESS**

The Clerk reported that he has arranged regular meetings with the Borough Chief Executive, William Benson, and has had his first meeting, accompanied by the Warden. This was a useful meeting, and he was able to ascertain that the Council intend to continue their support of the Conservators by providing office facilities. The Warden has arranged to take Mr Benson on a guided walk in November.

*Cllrs Scholes, Edwards and Cobbold left the meeting at this point.*

**15. TELECOMMUNICATIONS CABINETS**

Planning applications have been submitted for three large new telecommunications cabinets to be sited beside the existing ones on Commons verges in Rusthall and outside the Spa Hotel. Mrs Blackburn informed the meeting that they are to provide super-fast broadband. The Conservators expressed their dislike of the positions, especially the one close to the drinking fountain near the Spa Hotel, and requested that alternative positions should be found if possible.

**16. PLANNING APPLICATIONS**

Kent and Sussex Hospital – scoping opinion. No comment

Rocklea – extension and replacement windows. Advised that no damage must be caused to the Common.

22 Mt Ephraim Road – conversion from offices to flats. No comment. Permission subsequently refused.

Linden Park Cricket Club – variation of permission to remove condition re. apron. No objection to be made.

The next meeting will be held at 2.30 p.m. on 20 January 2011 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Minutes of a meeting held in The Council Chamber on Thursday 20 January 2011 at  
2.30pm**

- PRESENT: Peter Savory (Retiring Chairman)  
Ian Marshall (Incoming Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Cllr Barry Edwards  
Peter Freeman  
Kate Sander  
Cllr James Scholes
- APOLOGIES: Cllr Catherine Mayhew
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Commons)  
John Barber (Friends of Tunbridge Wells and Rusthall Commons)
- OBSERVING: Sue Denne (and other residents of the Harmony Street area)

### **MINUTES**

#### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1981 it was noted that the Conservators were required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Ian Marshall, representative of the Freehold Tenants, be appointed as Chairman until the annual meeting of the Conservators in January 2012.**

#### **IAN MARSHALL IN THE CHAIR**

#### **2. MEMBERSHIP**

The Chairman reported that the under mentioned Conservators had been appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council:

Cllr Barbara Cobbold	)	
Cllr Barry Edwards	)	one year term ending 31
Cllr Catherine Mayhew	)	December 2011
Cllr James Scholes	)	

Freehold Tenants:

Mungo Chapman	)	
Peter Freeman	)	2nd year of three year term until
Ian Marshall	)	31 December 2012
Kate Sander	)	

Manor of Rusthall:

Sarah Bird	)	
Andrew Gower	)	1st year of three year term until 31
Chris Jones	)	December 2013
Peter Savory	)	

The Chairman also welcomed John Barber to his first meeting following his election as Chairman of the Friends of Tunbridge Wells and Rusthall Commons in succession to Jennifer Blackburn.

**3. DATES OF FUTURE MEETINGS 2011/12**

**RESOLVED – That the meetings of the Commons Conservators be held at the earlier time of 2.00pm on the following dates:**

14 April 2011  
14 July 2011  
20 October 2011  
26 January 2012

**4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 21 October 2010 were considered, approved and signed by the Chairman.

**5. MATTERS ARISING**

a) Path at London Rd/Mt Ephraim junction.

Cllr Scholes advised the meeting that he has signed off on the funding for the handrail and safety barrier for the path.

b) Parking at Harmony Street.

The Chairman informed the meeting that wooden posts had been installed at the edge of Harmony Street to prevent any further erosion of the bank, as agreed at the previous meeting. The posts had been placed in the middle of the eroded area between the edge of the tarmac and the worn bank, enabling residents to continue to park to the very edge of the tarmac. As yellow lines will not now be painted on the opposite side of the road, cars continue to park there, making the road too narrow for emergency vehicles. These cars are now parking even further onto the pavement and are starting to encroach on the grass in front of Toad Rock.

The Chairman made two points: that the Conservators have a statutory duty to prevent encroachment; and that the Conservators have neither been involved in, nor commented on, the failed yellow line initiative.

A number of residents were in attendance at the meeting and one spokesperson was invited to outline their concerns. Sue Denne, for the residents, made the point that some of them have been parking there for thirty years without problem, but now they feel that they are prevented from doing so by the posts, which they feel are too low to see properly. They have no-where else to park, which will make their houses hard to sell and their lives very difficult. She also disputed that the erosion of the bank has worsened recently.

Peter Savory, as owner of the Commons, replied that the points have been noted and have been discussed at length with various residents for nine months. He pointed out that the parking problem in the area needed to be resolved by KCC.

Ms Denne asked if a portion of the Common could be sold to the residents, but it was pointed out that, even if the owner was willing to consider it, it would remain Common and therefore the Conservators would still have to act to prevent parking there.

The Chairman summed up the Conservators' view that they are not unsympathetic to the problems of the residents, but, as Conservators, their duty is to preserve the Common and they cannot resolve the parking problem.

*The Harmony Street residents left the meeting at this point*

6. WARDEN'S REPORT

The Warden reported that the Commons have been covered in snow for much of the period, so progress has been slow. Before the snow, the Friends had funded a partial clearance of the weed in Brighton Lake which has been well received, and the volunteers have just completed much needed clearance work around Toad Rock. He also reported that the grass has grown well in the newly seeded areas.

This year's roadside tree work will concentrate on London Road from the Forum to the hospital, with most of the emphasis on the portion between Mount Edgcumbe

Road and Church Road. The clearance at Hungershall Park will also continue and trees overhanging the paths from Wellington Rock to Castle Road will be dealt with.

The cutting of the new path on Rusthall Common will also be completed, funded by the Freehold Tenants.

In reply to a question about molehills around Brighton Lake the Warden replied that, although unsightly, moles are good for wildlife and soil aeration.

**7. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2010/11 showing total payments of £24,453.62 and receipts of £62,370.09.

**RESOLVED – that the report be approved.**

**8. PROPOSED BUDGET AND PRECEPT 2011/12**

The Treasurer told the meeting that there was great pressure on public finances, and, as a statutory body, the Conservators need to keep costs down. However, they still need to meet their statutory obligations, maintain a reasonable reserve, and meet increases to the contracts in line with RPI. The increase in VAT will also raise costs as the Conservators are not able to recover VAT. They also need to consider whether it is appropriate to make a 2% pay award to staff in April in line with the local authority increase now that the link has been lost with the national pay award.

The Treasurer told the meeting that last year, due to the unexpected fall in the retail price index, the precept was unchanged from 2009/10 but was above the statutory limit. This year's statutory limit allows a 3% increase, and he recommended that the Conservators fix the precept a little lower than the limit at £128,000.

Cllr Scholes informed the meeting that he would not take part in the discussion or the resolution as he is the newly appointed finance portfolio holder.

**RESOLVED – that the proposed budget for 2011/12 be approved.**

**RESOLVED – that the precept of £128,000 be approved.**

**RESOLVED – to invite the Borough Chief Executive, Chief Finance Officer and the new Leader of the Council to attend a Conservators' meeting.**

**9. FREEHOLD TENANTS' PROJECTS**

The Freehold Tenants outlined the projects they have offered to fund this year:

- a) Continue the clearance at Mount Edgumbe Rocks towards the hotel, retaining a screen to prevent road noise;

- b) Clear the area at the top of Church Road to restore some of the view across the Common which has been lost in recent years, retaining the horse chestnuts but removing the sycamores and scrub;
- c) Continue the big clearance on the other side of Castle Road to create a wood pasture as far as the path leading to the new crossing at Vale Road;
- d) Cut a new end to the path from the Terrace Walk to London Road opposite Broadwater Lane which is constantly boggy.

**RESOLVED – to approve the proposed projects with gratitude.**

John Barber, for the Friends of the Commons, stated that the Friends wished to finance the clearance of the area behind the Lion Rock where large hollies had rendered the area gloomy and unattractive.

**RESOLVED – to approve the project with gratitude.**

#### **10. PANTILES CAR PARK**

The Conservators have considered the plans for the car park and pointed out that all showed the parking area encroaching onto the “green road” which could not be permitted.

They discussed the possible surfaces and concluded that they would prefer to see a natural surface. Targetfollow agreed to look at the possibility of grasscrete or a plastic mesh, which would also resolve current drainage issues. The Conservators would not wish to see tarmac.

They agreed to bollard lighting but expressed their opposition to high level lighting which would need to be high enough to allow a coach to pass underneath. It was not clear whether this would be a planning requirement.

Targetfollow will draw up amended plans and stated their intention to get the Conservators’ approval before submitting a planning application.

#### **11. ENCROACHMENT POLICY**

The Clerk informed the meeting that revisions had been made to the draft Encroachment Policy in response to the comments by the working party. The revised draft had been approved by Cllr Mayhew but still needed to be examined by Targetfollow. If Targetfollow request revisions there will be a further meeting of the working party and it is hoped to circulate the final draft to the Conservators for consideration at the next meeting.

The Freehold Tenants offered to help with the work required to implement the policy, including covering any reasonable costs incurred.

12. **STILL GREEN**

The Chairman expressed concern that no further steps had been taken by Targetfollow to prevent the unsafe parking at Still Green. It was pointed out that some time ago they agreed to write to residents of Woodside Road and hold a meeting prior to installing a barrier. Targetfollow stated that they do not intend to hold a meeting, or have a structural engineer do a survey as there is little point, but would support the placing of a tree trunk across the access with an explanatory letter sent to the residents on the same day. Targetfollow agreed to draw up the letter and Cllr Edwards offered to distribute them.

The Warden pointed out the problem of installing the tree trunk as there is rarely a time when cars are not parked there.

13. **ANY OTHER BUSINESS**

a) Nursery school annual review.

The Conservators agreed that they are doing no harm and they are pleased that the clubhouse is used each day.

b) Cricket Club.

Following the difficulties experienced with the unauthorised area of tarmac at the cricket ground and the conditions laid down by the Conservators as a consequence, the Chairman reported that the club has agreed in writing to the Conservators' conditions.

c) Telecommunications cabinets.

They are still in their original positions, but the planners have asked for two of them to be moved and the Conservators have written to the planners to support their decision.

d) Footpath near the junction of London Road and Mount Ephraim.

The railings and barriers are on order and due to be installed shortly.

e) The Hospice in the Weald 10K run.

**RESOLVED – to give permission for the Hospice 10K run on the same basis as in previous years.**

f) Rusthall Parishing.

Mrs Blackburn stated that the proposal is to go to the cabinet in February and then to the full Council. It is hoped that the first elections will be held on 5 May. The division of the precept has yet to be agreed but is not expected to be contentious.

The Chairman took the opportunity to thank Mrs Blackburn for her many years of helpful and well regarded contributions on behalf of the Friends.

g) Fire lighting.

The Warden reported that the Home Educators, for whom he regularly provides walks and events, have requested permission to demonstrate fire lighting. The leader will build an altar fire to ensure no damage to the Common, and will bring and remove all materials.

**RESOLVED- to allow the fire lighting demonstration, overseen by the Warden.**

**14. DATE OF NEXT MEETING**

The next meeting will be held on 14 April 2011 at 2.00 p.m. in Committee Room A.

*Councillors Scholes and Cobbold left at this point.*

**15. PLANNING APPLICATIONS**

Vale Royal Methodist Church. It was agreed that the plans do not affect the Commons.

73 London Road – construction of garden wall. The office has advised that no materials are to be stored on Common.

Other applications noted but not commented on:

2 Hungershall Park – replacement garden room.

Neville House, Mount Ephraim – construction of 4 storey building.

Kent and Sussex Hospital site – part outline, part detailed, for houses, restaurant, offices, parking and public spaces.

**TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Minutes of a meeting held in Committee Room A on Thursday 14 April 2011 at 2.00pm**

- PRESENT: Ian Marshall (Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Cllr Barry Edwards  
Peter Freeman  
Andrew Gower  
Cllr Catherine Mayhew  
Kate Sander  
Cllr James Scholes
- APOLOGIES: Peter Savory  
Chris Jones
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)
- OBSERVING: Maria Simmons

**MINUTES**

**1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 20 January 2011 were considered, approved and signed by the Chairman as a true record.

**2. MATTERS ARISING**

- a) Footpath near London Road/Mt Ephraim junction.

It was reported that the railings and barriers have now been installed.

- b) Telecommunications Cabinets.

The cabinets have not yet been moved. Discussions are still taking place between the contractors and planning department.

### **3. WARDEN'S REPORT**

The Warden reported that a great deal of work has been carried out over the winter, much of it funded by the Freehold Tenants and the Friends. This has enabled him to spend a good proportion of the Conservators' budget on roadside tree and scrub clearance and he has completed the whole length of the A26. The trees have also been pushed back along Hungershall Park.

The work to clear more of the area around Edgcumbe Rocks has just been finished as well as the new clearance close to Castle Road. Both these projects were paid for by the Freehold Tenants.

The Friends funded a successful clearance around Lion Rock, and the volunteers cleared much of the scrub at Denny Bottom. The work that could not be done by volunteers was completed by contractors using HLS funding. The Warden said that there were about 10 – 12 volunteers most months, and they completed a surprising amount of work.

The Warden also reported the reappearance of two perennial problems – rough sleepers and vandalism at Wellington Rocks. The police are helping with both situations.

The second grass cut of the year has just been completed and the Warden confirmed that this was the last year of the current contract. As the current contractor was doing a good job, rolling over the contract for another five years may be the best option. The Warden will investigate and report back to a meeting later in the year.

### **4. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2010/11 showing total payments of £73,052.57 and receipts of £11,077.92.

The Treasurer told the meeting that the annual balance sheet will be presented to the next meeting in July.

**RESOLVED. To approve the report.**

*The Warden and Support Officer left the room at this point*

### **5. STAFF SALARIES**

**RESOLVED. To increase staff salaries by 2% from 1 April 2011 in line with the Borough Council.**

*The Warden and Support Officer returned to the room*

## **6. ENCROACHMENT POLICY**

An early draft of the policy, in part based on that of Surrey County Council, had been submitted to the Conservators, since when the working party has made several amendments, and the final version was sent to all Conservators with the meeting papers. The Freehold Tenants have started work on implementation procedures and a meeting of the working party will be held once the Clerk and officers are in agreement. The Freehold Tenants also offered to bear reasonable setting up costs. It was agreed that the policy is intended to deal with future encroachments, not past ones.

*Catherine Mayhew and James Scholes arrived at this point.*

The Treasurer emphasised that with limited resources, taking remedial action and attempting to recover costs may not always be possible. It was agreed that the focus should be on prevention.

**RESOLVED. To adopt the Encroachment Policy and proceed to the implementation stage.**

## **7. STILL GREEN**

The last meeting discussed placing a tree trunk across the end of Woodside Road to prevent access to the dangerous area being used for parking, but this would be impractical as the road is too narrow and there would be no way of removing vehicles that were blocked in. The Warden has obtained a quote of around £1600 to install five steel H beams with three feet buried in concrete and three feet above ground. These could be installed in two phases, the first phase leaving just enough room for cars to get out, and the second phase completely blocking off the access.

A letter would need to be sent to all residents to warn them that they need to remove their cars by a given date or they will be removed. The Clerk will investigate whether the police or council have the authority to remove cars if necessary. Targetfollow will forward their draft letter to the officers, who will consult with Cllr Edwards over the wording and timing.

## **8. RUSTHALL PARISH**

The Clerk confirmed that all the procedures to set up the parish had been completed and elections to the parish council will take place in May. After the elections he will hold discussions with the new chairman and clerk over how the Conservators should relate to the parish council.

**RESOLVED. That the new Parish Council should be invited to send a representative to Conservators' meetings with the same status as the Friends' representative.**

**9. CRICKET CLUB RAILINGS**

The Warden reported that the Cricket Club were concerned about the state of the railings around the pitch and thought that the Conservators should maintain them. The Warden stated that the Conservators have done some maintenance work on them in the past in order to assist the club.

The Clerk advised that, although the Conservators have the power to erect fences around games area, they do not have an obligation to do so.

It was noted that village greens do not generally fence their cricket pitches

**RESOLVED. To advise the cricket club that the Conservators do not regard maintenance of the fence to be their obligation.**

**10. PARKING AT HARMONY STREET AND UPPER STREET**

The Conservators considered the request from residents to raise the height of the posts erected along the edge of the road in Harmony Street to prevent erosion of the bank. The Warden stated that they were set at the height of the bank, had reflectors to make them easier to see, and are much the same height as most posts on the Common.

**RESOLVED. To leave the posts at their current height.**

They also considered the problem on the Toad Rock side of the road. Since the installation of the posts, cars have been parking further from the bank, and this has caused motorists on the other side to park right off the road, completely blocking the pavement and with their wheels eroding the grass. This will cause serious damage next winter.

It was agreed that, although posts would increase the parking problems in the area, the duty of the Conservators was to protect the Commons.

**RESOLVED. To install posts on the Toad Rock side of Harmony Street to protect the verge if costs do not greatly exceed £1600. Carried by six votes to one.**

The question of parked cars encroaching on the Common in Upper Street was also raised but discussion was reserved.

**11. MITIGATION GRANTS**

The Warden reported that he had had a meeting with Kent Wildlife Trust who believe that the developers of the hospital site should be asked to pay towards mitigation of the extra costs brought by the additional Common users and dog walkers who move into the new development. They also believe that all large developments in Tunbridge Wells, especially if near the Commons, should be expected to contribute and are working with the Borough Council to achieve this. The hospital developers have agreed to fund a visitor survey which could provide the basis for a formula.

**12. CIRCUS**

The Warden reported that he had received an informal request from the Borough Council for the circus to use the Common this year, as Dunorlan Park is not available on the dates required. He informed the Conservators that he had refused the request as it would break all the conditions of the Open Spaces Policy, as well as being against the County of Kent Act 1981.

Cllr Mayhew reported that she had been approached by an arts festival who wanted to use the Wellington Rocks. As she had little information she agreed to ask the organiser to email the office with the details.

**13. ECO PARTIES**

The Warden reported that a young man involved in conservation work wishes to run environmental parties on the Common. These would involve looking for mini beasts, arts and crafts, etc. It was noted that the Commons are under-used for educational purposes.

**RESOLVED. To grant permission for parties to be held this summer, subject to the usual conditions and the Warden being satisfied about the details, and hold a thorough review in the autumn.**

**14. RUSTHALL BONFIRE**

**RESOLVED. To grant permission for a bonfire on 29 October 2011 on a similar basis to 2010 and subject to the same terms and conditions.**

**15. ANY OTHER BUSINESS**

a) Meeting with Chief Executive.

The Clerk reported that he had had his quarterly meeting with the Borough Chief Executive, who has expressed great interest in and support of the Common. The Warden has taken him for a Commons walk and is shortly to conduct a staff walk at his suggestion.

b) Showfields Fun Day.

**RESOLVED. To permit the placing of a board advertising Showfields Fun Day on July 16 opposite Broadwater Lane.**

c) Crossing on Mount Ephraim.

Kent Highways plan to install a zebra crossing over Mount Ephraim near Molyneux Park. This will involve breaking through the grass verge to link with the footpath.

**RESOLVED. To permit the installation of a Zebra crossing.**

The Warden also reported that they wish to place a moveable, interactive, solar powered speed sign along Mount Ephraim. The intention would be to site it there for one month four times a year. A retention socket for the mounting post would need to be installed flush to the ground, but there would be no other disturbance.

**RESOLVED. To permit the inter-active speed sign.**

The Conservators requested that KHS also investigate placing it in Major Yorks Road where speed is an even greater problem.

Cllr Scholes noted that KHS are looking at a possible crossing near the top of Major Yorks Road but he has queried whether there is enough demand at this point, as it may be preferable to site it lower down the road. He has also raised with them the danger of parking close to the roundabout, but there has been no response so far.

d) Hospice 10K run.

Permission has already been granted for the Hospice 10K run to start and finish on the Lower Cricket Ground as usual. They have asked whether they can hold a pantomime horse race after the run has finished. This would involve painting temporary white lines on the grass. They are also hoping to have an unamplified samba band to greet the runners' return.

**RESOLVED. To allow the pantomime horse race and samba band, subject to the usual terms and conditions.**

e) Beating of the Bounds.

The Warden reported that the Wealden Progressive Group intend to hold a traditional Beating of the Bounds ceremony on the Commons on 30 April with morris dancers, drummers, and the ceremonial slaying of the Green Man to welcome the summer. The police reported that it had been poorly attended and there had been no trouble when it was held last year.

## 16. **PLANNING APPLICATIONS**

23 Upper Street, Rusthall – parking space in front of house. Advised that this part of Common is SSSI and great care must be taken not to cause any damage during building. Application withdrawn.

8 Lower Green Road, Rusthall – change of use from shop to residential. Advised that no building materials be stored on Common.

Applications received but not commented on:

22 Mount Ephraim- conversion from office to residential

Langton Villa, Langton Road – demolition of garage and construction of extension

The next meeting will be held at 2.00 p.m. on 14 July 2011 in Committee Room B.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 14 July 2011 at 2.00pm**

- PRESENT: Ian Marshall (Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Peter Freeman  
Chris Jones  
Cllr Catherine Mayhew  
Kate Sander  
Cllr James Scholes  
Cllr Victor Webb
- APOLOGIES: Andrew Gower
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)
- OBSERVING: Cllr Bob Atwood  
Maria Simmons  
Samantha Payne (for item 7)

## **MINUTES**

### **1. MEMBERSHIP**

It was formally noted that Victor Webb is the new Conservator representing the Borough Council. The Chairman welcomed both Cllr Webb and Chris Jones to their first meeting. The Chairman also welcomed Mr Atwood as Leader of the Council.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 14 April 2011 were considered, approved and signed by the Chairman as a true record.

### **3. MATTERS ARISING**

#### **a) Homeless camps**

The Warden confirmed that the problem of rough sleepers was acute at the moment, bringing the usual problems of litter and mess as well as fires.

#### **b) Still Green**

The Chairman informed the meeting that a letter to residents is being drafted to warn them that steel post will shortly be erected across the end of the road to prevent further use of the area, which is potentially unstable and dangerous. This will be circulated to all Conservators. Cllr Webb disagreed with the decision and expressed the opinion that the area was safe.

*Cllr Mayhew, Cllr Scholes and Mrs Blackburn arrived at this point.*

#### **c) Rusthall Parish Council**

The Clerk welcomed Mrs Blackburn, who has been invited to attend all Conservators' meetings in her role as Chairman of Rusthall Parish Council, on the same basis as the Chairman of the Friends.

#### **d) Meeting with Borough Council Chief Executive**

The Clerk reported that he and the Warden have had another quarterly meeting with the Chief Executive. These meetings are proving valuable to both sides to ensure a flow of information.

#### **e) Crossing on Major Yorks Road**

Cllr Scholes reported that, due to constant reorganisation at Kent Highways, no progress had been made.

### **4. WARDEN'S REPORT**

The Warden reported that it has been a quiet period on the Common while the birds nested, but there has been a lot of unexpected tree work as the windy weather has caused a lot of broken branches.

He has conducted a number of guided walks, including one for Council staff.

As already noted, there have been increasing problems with rough sleepers, but he has developed a good relationship with the police which has proved helpful.

He is about to start this year's programme of bench renovation, and the Friends have kindly offered to fund the renovation of a further five. They have also offered to pay for two additional litter bins and two additional dog bag dispensers. Many of the existing bins are in a poor state and he has been renovating them when funds allow at a cost of approximately £350 each. However, his recent research into new bins

shows it may be possible to buy new ones for around £500, in which case replacement may be more cost effective than repair.

Cllr Mayhew told the meeting that exercise classes were beginning to be a real problem in Dunorlan Park and the Warden agreed that this is the case on the Common as well, especially as members of the classes fill the Fir Tree Road car park. Where possible he endeavours to ensure that they have insurance.

The litter problems outside the Forum have not improved, as hoped, following the closure of KFC and Unwins opposite, and the owners of the Forum feel the police are not dealing satisfactorily with the problem. See minute 11

Cllr Webb read a letter from a member of the public asserting that mature trees were being felled on the Commons and requested assurance that this does not happen. The Warden replied that he only removes trees as a last resort, if they are dangerous or near to the roadside and therefore a potential hazard. Wherever possible he pollards rather than fells. There are very few trees older than one hundred years on the Commons, as grazing meant that only commemorative trees survived from that era. There have been a number of clearances of scrub, but any viable trees are always left. The Chairman explained that the Conservators have been following the management plan drawn up by Kent Wildlife Trust which aims to restore the heathland for which the Commons were famous until grazing ceased. Both Commons have been raised to Sites of Nature Conservation Interest status and have just been taken into Higher Level Stewardship by Natural England. This will generate a grant of £1,487.20 per year for ten years as well as a capital works grant for scrub management of £766.11 per year for three years.

The question of vandalism of trees on Rusthall Common, near Common View, was raised. This has been caused by young people, some homeless, who have been cutting branches to light fires. The Community Warden is aware and is attempting to resolve the situation.

The state of the footpath from the Pantiles Car Park to Hungershall Park has been raised with Kent Highways, but there has been no response.

## **5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 1 2011/12. It contained two minor errors due to the paperwork being with the auditor, and the receipts should read £74,423.17, not £74,423.44. Total payments were £21,731.43. Where cashflow allows, some money is put on short term deposit where it earns a slightly higher interest rate.

**RESOLVED. To approve the Financial Statement for the period ended 30 June 2011.**

## **6. FINAL ACCOUNTS AND BALANCE SHEET 2010/11**

The accounts have been audited by the Borough Council, and they have reported that the controls in place appear to be satisfactory and effective.

The Treasurer confirmed that the reserves remain at a prudent level.

The Warden informed Cllr Webb that the only contracts are for the litter clearance and cutting of short grass areas. All other work is carried out on an ad hoc basis by a number of different contractors.

**RESOLVED. To approve the accounts for the year ended 31 March 2011 and balance sheet as at 31 March 2011.**

## **7. DENNY BOTTOM RESIDENTS' MEETING**

The Chairman, together with the Warden and another Conservator, attended a meeting with a number of residents from the Harmony Street area. The residents are concerned as the posts installed by the Conservators to prevent further erosion of the bank have caused cars to be parked further into the road, which has resulted in cars on the Toad Rock side being parked across the pavement and onto the grass. The Conservators had agreed to install posts on the Toad Rock side to protect the grass, but this will make it impossible for parking to take place on both sides. As the area is extremely short of parking spaces, this has led to a good deal of ill feeling.

At the meeting a number of options were discussed, and it was felt that the most satisfactory would be to remove the existing posts, reinforce the bank so that no further erosion can take place, and fill in the eroded edge of the road, enabling cars to park closer to the bank without allowing further erosion. Kent County Councillor John Davies offered funding for this work, and the Leader of Tunbridge Wells Borough Council, Bob Atwood, also offered to make a contribution. Cllr Mayhew made the point that no money can come from the Tunbridge Wells Special Expenses budget, as Tunbridge Wells residents should not be expected to pay for work that benefits only Rusthall residents.

The Warden is to seek a meeting with Kent Highways to establish the best materials to use.

The Clerk felt that, although the Conservators have a clear legal duty to prevent erosion or damage to the Commons, and widening the road is against Village Green legislation, the Conservators have the right to do so if they can demonstrate that it is reasonable and in the interests of the Common. The erosion has already occurred and cannot be reversed, and the result of this action would be to protect the grass on the Toad Rock side.

Much concern was raised that this could be seen as a precedent, but it was clearly stated that allowing an existing encroachment to remain cannot be seen as a precedent for dealing with future encroachments, which will not be allowed under any circumstances.

**RESOLVED. To allow the posts to be removed from Harmony Street and the bank reinforced on condition that KCC meet the costs, with possible contributions from TWBC and the residents.**

It was agreed that the Conservators would be contacted once costs, and who was to meet them, was established. It was also agreed that the existing posts would not be removed until the work was carried out. This agreement was on the clear understanding that no encroachment will be tolerated on the Toad Rock side of the road.

**RESOLVED. Not to install posts on the Toad Rock side of Harmony Street at present, but to do so if cars continue to park on the grass.**

The question was also raised about the problem of parking on the corner of Harmony Street and Upper Street as refuse lorries are unable to turn there any longer as a consequence of cars parking there.

#### **8. ENCROACHMENT POLICY**

The Clerk reported that the Freehold Tenant Committee has done a great deal of work to prepare three sets of documents for the implementation of the policy agreed at the previous meeting. The officers have met to discuss the documents and are currently preparing a paper for the Freehold Tenants with a number of constructive comments. Once the documents have been agreed they will be circulated to the other members of the working party for consideration prior to submission to the next meeting for final approval.

#### **9. CRICKET CLUB RAILINGS**

The Clerk reported that the Cricket Club are unhappy at the prospect of losing the railings around the pitch. He acknowledged that the Conservators had installed them many years ago at great expense and have maintained them until now, but they are no longer repairable, and replacement would be too expensive. The Conservators reiterated the view that the railings are unsightly, have no purpose, and do not benefit the Common, and therefore they cannot justify spending their limited budget this way. It was suggested that, if the railings are important to the club, they should try to raise funds themselves, or offer practical help.

The Warden estimated that removal of all posts except those by the road, and backfilling the holes, would cost around £2,000 plus VAT, and there would be further costs incurred if the better posts are used to replace some along the road.

Cllr Webb expressed regret that relations with the cricket club have become so bad as the club is an excellent amenity, and he offered to be a peace broker. The Chairman explained that the Conservators have been very accommodating to the club despite numerous provocations, but was happy to accept Cllr Webb's offer to restore harmonious relations.

**10. CRICKET CLUB SIGN**

The Cricket Club wishes to erect signs in the Fir Tree Road car park to warn users that the club has no responsibility for any damage caused by cricket balls. They have not suggested suitable sites.

**RESOLVED. To allow the cricket club to mount up to three signs in the car park in positions agreed with the Warden.**

**11. LITTER CONTRACT**

The Chairman pointed out that the litter contract has been unsatisfactory for some time, and, given the sensitivity and essential nature of the job, one of the primary considerations should be to find a candidate who will prove conscientious. The Warden has had discussions with a contractor who wishes to take on the contract as his main job. He has worked on the Commons many times in the last year and has proved trustworthy, diligent and effective.

**RESOLVED. To terminate the existing contract and make an interim arrangement with the new contractor. The work to be assessed during the probationary period, after which he will be offered a longer contract, or the contract will be put out to tender.**

Cllr Webb expressed concern at the level of litter around the Forum, but it was pointed out that the problem did not come from the Forum but from other young people who congregate nearby, many of whom are denied entry to the Forum. The Forum has been active in containing its own customers and clearing their litter. It was suggested that a meeting should be held with the antisocial behaviour co-ordinator, police, Forum, Targetfollow and the Warden to discuss the problem. The Warden to progress matters.

**12. GRASSCUTTING CONTRACT**

The current contract expires at the end of March 2012. It was agreed that the length of contract should be examined, as five years may not be appropriate.

**RESOLVED. To put the grasscutting contract to tender.**

**13. THE TEMPEST**

The Conservators welcomed the forthcoming amateur production of the Tempest to take place at Wellington Rocks as part of the Electric Lantern Festival, and wished them luck.

**14. LANGTON VILLA SIGN**

**RESOLVED.** To allow the owners of Langton Villa and two adjacent properties to erect a sign on the verge at the entrance to their properties in Langton Road, in materials to be agreed by the Warden.

**15. BEACHES AMUSEMENTS**

**RESOLVED.** To refuse permission for a funfair on the Common as it contravenes the Open Spaces Policy.

**16. ANY OTHER BUSINESS**

a) Pantiles Car Park

**RESOLVED.** To allow Targetfollow to erect temporary low-level lighting in the car park for the winter months.

b) Speed sign in Lower Green Road

It was confirmed that the Conservators' permission is required before a sign can be erected, but that Kent Highways normally approach the Conservators as a matter of course.

c) Tunbridge Wells in Bloom

The Warden reported that judging was due to take place the following day and that he had been asked to give a short talk to the judges about the work on the Common.

d) Heritage Open Days

The Warden is to conduct a guided walk on Tunbridge Wells Common as part of the event, and the organisers are to erect a banner on the corner of the Lower Cricket Ground for that weekend only.

e) Cycle path

The Warden reported that Sustrans was still working on a complete cycle route through the Borough, and this would cross Tunbridge Wells Common using the restricted byway beside the Pantiles car park. The right to use this byway for cycling is enshrined in statute. The Conservators were happy to see the cycleway, but expressed concern that this route has no hard surface, and could be badly damaged by cycles.

## **17. PLANNING APPLICATIONS**

Kent and Sussex Hospital (revised) – expressed concern about extra pressure on Common and expectation of visitor survey and mitigation payment.

14B Lower Green Road – demolition of existing structure and erection of replacement. Pointed out that no building materials should be stored on Common.

Luigi's Car Wash – retrospective change of use. Made no comment if planners satisfied that there is no risk of contamination or nuisance.

York Cottage, Major Yorks Road – outbuilding at rear to be converted to holiday cottage. Pointed out that holidaymakers would need to park elsewhere, and no building materials should be stored on Common

Applications received but not commented on:

Tunbridge Wells Garden Centre – overflow car park and single storey extension.

Tunbridge Wells Garden Centre - renewal of permission for metal container.

Park View House – extension of time for existing permission to alter outbuildings.

Heathgate Cottage, Langton Road – relocation of vehicular access and installation of acoustic fencing.

The next meeting will be held at 2.00 p.m. on 20 October 2011 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Meeting Room A on Thursday 20 October 2011 at 2.00pm**

**PRESENT:**

Ian Marshall (Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Peter Freeman  
Andrew Gower  
Cllr Catherine Mayhew  
Kate Sander  
Cllr Victor Webb

**APOLOGIES:**

Nathan Dickinson  
Chris Jones  
Cllr James Scholes

**ATTENDING:**

Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Rusthall Parish Council)  
John Barber (Friends of Tunbridge Wells and Rusthall Commons)

**OBSERVING:**

Maria Simmons  
Samantha Payne

## **MINUTES**

**1. MEMBERSHIP**

It was formally noted that Nathan Dickinson is the new Conservator representing the Manor of Rusthall.

**2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 14 July 2011 were considered, approved and signed by the Chairman as a true record.

### 3. **MATTERS ARISING**

#### a) **Parking on corner of Harmony Street and Upper Street**

The Warden confirmed that this was not an issue for the Conservators.

#### b) **The Tempest**

It was noted that the open air production had not taken place at Wellington Rocks due to lack of time, but they are hoping to put it on next year when they will start preparation earlier.

#### c) **Tunbridge Wells in Bloom**

The Warden reported that he had met the judges of the competition on the Common and spoken briefly about the management.

### 4. **WARDEN'S REPORT**

The Warden reported that the problem over the cricket club fence was resolved for the time being, as some concrete posts had been moved from behind the clubhouse to replace the broken ones, while others had been patched. There should be no further work necessary for two or three years. All the work was done by the cricket club. It was suggested that the cricket club should be encouraged to start making provision now for their replacement.

The Friends have generously funded the purchase of three new litter bins and three new dog bag dispensers which will be installed shortly. The Friends' volunteers have started their winter work parties by clearing around Wellington Rocks.

The first month with the new litter picker has gone well, even though he has had to clear a number of unusually large rough sleepers' camps.

The Warden reported that he took a group of around twenty people on a walk for Heritage Open Days in September, and has given several illustrated talks to local groups.

The lime trees outside the Spa Hotel are diseased, and one was removed earlier in the year when it split in half revealing a totally rotten heart. The remaining two trees may have to be felled, but they will be pollarded if they can be saved. The Warden is awaiting expert opinion.

Rusthall Cricket Club is considering installing showers in the club house, a necessary upgrade if they want to join a league. There are no plans yet, but the Conservators indicated a willingness in principle to allow an upgrade.

*Peter Freeman arrived at this point*

**5. ACCOUNTS AND FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 2 2011/12 showing total payments of £12,118.97 and total receipts of £1,044.67 which include a substantial donation from British Military Fitness and a contribution from the cricket club towards car park repairs.

The projections for the rest of the year are mostly unchanged as most of the works occur in the second half of the year. The litter projection has been amended because the new litter picker is not registered for VAT. Offsetting that is the fact that the previous contractor will be entitled to an RPI increase of 5.3%, not 4% as budgeted. This is also the case for the grass cutting contract.

The Clerk reported that, at his quarterly meeting with the Chief Executive, they were reminded that council tax will be frozen next year and the council are hoping that the Conservators will bear this in mind when setting the precept. The mechanism would allow an increase of 5.6%. The Treasurer will speak to the Head of Finance and Governance before setting out his recommendations.

**RESOLVED. To approve the Financial Statement for the period ended 30 September 2011.**

**6. HARMONY STREET**

At the previous meeting, the Conservators agreed to tolerate the encroachment at Harmony Street but prevent further erosion to the bank. The Warden has met several experts and recommended that a double kerb should be installed. The first kerb would fill the eroded trench at the side of the road and enable cars to park on it, while the second kerb, installed upright, would protect the bank from further erosion. He has received two quotes, one for conservation grade kerbs, at £9,150 + VAT, and one for ordinary kerbs, at £6,125 + VAT.

This approach has the support of Cllr Maria Simmons from Rusthall Parish Council who has been leading the campaign to remove the posts and replace them with a permanent and more user friendly solution.

Councillors John Davies from KCC and Bob Atwood, leader of TWBC, have been approached as they offered funding at a public meeting in the spring, but nothing has yet been arranged. Mrs Blackburn, Chairman of Rusthall Parish Council, invited the Conservators to submit an application to them for funding although it was not clear that any would be available.

**RESOLVED. To install double kerbing along the length of Harmony Street on the opposite side from Toad Rock if funding can be arranged.**

Once the work has been carried out, notes will be placed on the windscreens of cars parking on the Toad Rock side advising them that they must not park on the grass.

**7. STILL GREEN**

The Chairman reminded the meeting that the problem of the potentially dangerous parking area created by the illegal tipping of hardcore into the valley has been unresolved for three years. The Conservators agreed at their last meeting to install posts at the end of Woodside Road, closing the area completely.

However, as the original area has been there for many years, it is only the recent addition that appears to be unstable, so the Warden is proposing to install concrete filled steel posts at the edge of the original area. This would preserve a turning circle and should therefore be more acceptable to residents. He has obtained a quote for £1,162 + VAT for the work.

**RESOLVED. To write, including a map, to all residents explaining what is planned prior to installing posts at the edge of the original turning area.**

**8. ENCROACHMENT POLICY**

The Clerk presented the implementation documents to support the agreed Encroachment Policy. The Chairman thanked the Freehold Tenants who have done most of the work to draw up these documents.

**RESOLVED. To accept the implementation documents with minor changes and authorise the officers and Freehold Tenants to put them into practice.**

**9. DIAMOND JUBILEE BEACON**

The Queen wishes 2,012 beacons to be lit around the country on 4 June 2012 to celebrate her Jubilee. The preferred option of TWBC is to have a bonfire on the Lower Cricket Ground. The Council have undertaken to do all the work and to make good the damage afterwards.

**RESOLVED. To allow the bonfire on condition that the Warden is consulted on, and agrees to, every detail, that the undertakings are given in writing, and that the Council has adequate insurance to cover any damage.**

**10. GRASSCUTTING CONTRACT**

The last five year contract is now coming to an end, so the contract will be put out to tender as soon as possible. The Warden and Treasurer believe that the contract should be for three years, with an option to extend for a further two years, although they will take into account the views of the interested firms.

**RESOLVED. To advertise the contract and invite those applicants who match the list of criteria to submit a tender.**

**11. EDUCATIONAL RESOURCES**

The Conservators have been approached by Dr Malcom Grant who wishes to promote the educational use of the Commons by developing teaching materials for schools.

**RESOLVED. To support Dr Grant if TWBC or Kent High Weald Project wish to commission him to develop the materials.**

**12. SAXONS ORIENTEERING**

**RESOLVED. To allow orienteering events to continue to be held on the Commons indefinitely.**

**13. ANY OTHER BUSINESS**

a) Beacon Hotel

**RESOLVED. To allow the hotel to add a Christmas sign to their existing sign on Langton Road, subject to the Warden being satisfied by the design.**

b) Mount Edgcumbe Hotel

It was noted that the hotel had closed, and that the new owner should be advised not to place picnic tables on the Common.

c) Interpretative signs

It was noted that the signs put in by Kent High Weald Project are now unreadable.

**RESOLVED. To invite KHWP to renew their information; otherwise to replace with spare copies of the Friends map.**

d) Footpath from Major Yorks Road to Fairground car park

KCC have agreed to patch the worst part of the path.

e) Friends of Hawkenbury Church

Cllr Cobbold reported that she had given a talk on the work of the Commons. The group were very interested, and intend to ask the Warden to give them a further talk with slides. They gave a donation to support No 1 Community Centre at Showfields.

**14. PLANNING APPLICATIONS**

Royal Wells Inn – conversion of staff accommodation to 6 guest bedrooms. Wrote to point out that no parking provision had been made.

Plant and Tools site, Eridge Road – 56 flats and 10 houses. Wrote to request mitigation payment be used on Commons.

Outside Spa Hotel – installation of broadband cabinet. Wrote to support planner in their decision, and noted that this position was preferable to the previous plan.

Applications received but not commented on:

The Pantiles Hotel – relocation of alarm box

Luigi's Hand Wash – further details

The next meeting will be held at 2.00 p.m. on 26 January 2012 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 26 January 2012 at 2.00pm**

- PRESENT:** Ian Marshall (Retiring Chairman)  
Cllr Barbara Cobbold (Incoming Chairman)  
Sarah Bird  
Mungo Chapman  
Chris Jones  
Kate Sander  
Cllr James Scholes  
Cllr Victor Webb
- APOLOGIES:** Nathan Dickinson  
Peter Freeman  
Andrew Gower
- ATTENDING:** Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Friends of Tunbridge Wells and Rusthall Commons)  
John Barber (Friends of Tunbridge Wells and Rusthall Commons)
- OBSERVING:** Maria Simmons

## **MINUTES**

### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1981 it was noted that the Conservators were required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Barbara Cobbold, representative of the Borough Council, be appointed as Chairman until the annual meeting of the Conservators in January 2013.**

### **BARBARA COBBOLD IN THE CHAIR**

The Chairman thanked Ian Marshall for his excellent work as Chairman and expressed her appreciation for all he had done.

**2. MEMBERSHIP**

The Chairman reported that the under mentioned Conservators had been appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council:

Cllr Barbara Cobbold	)	
Cllr Victor Webb	)	one year term ending
Cllr Catherine Mayhew	)	31 December 2012
Cllr James Scholes	)	

Freehold Tenants:

Mungo Chapman	)	
Peter Freeman	)	3rd year of three year term until
Ian Marshall	)	31 December 2012
Kate Sander	)	

Manor of Rusthall:

Sarah Bird	)	
Andrew Gower	)	2nd year of three year term until 31
Chris Jones	)	December 2013
Nathan Dickinson	)	

**3. DATES OF FUTURE MEETINGS 2012/13**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.00pm on the following dates:**

19 April 2012  
12 July 2012  
25 October 2012  
31 January 2013

**4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 20 October 2011 were considered, approved and signed by the Chairman.

5. **MATTERS ARISING**

a) **Beacon Hotel sign**

It was pointed out that, although permission was granted at the previous meeting for a temporary addition to the Beacon Hotel sign for the Christmas period, there had recently been a rash of small white signs stuck all the way down the post.

**RESOLVED. The owner of the Beacon Hotel to be instructed to remove them.**

b) **Mount Edgcumbe Hotel**

It was noted that the Hotel was in new ownership and was expected to reopen by Easter.

c) **Interpretative Signs**

The Warden to discover whether KHWP intend to renew the signs.

6. **WARDEN'S REPORT**

The Warden reported that the recent high winds had caused very few problems with trees on the Commons, which is a result of his policy of active inspection of the trees near roadsides and footpaths so potential problems are dealt with before they arise. It also vindicates the management plan policy of pushing back roadside trees.

He noted that the posts had been installed at Still Green and had been well received, and that funding was now in place for the double kerb in Harmony Street, due to be installed in February.

The next few weeks, until the start of the nesting season, will see the bulk of the annual tree work take place.

7. **FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2011/12 showing total payments of £51,055.25 and receipts of £68,593.26.

**RESOLVED – that the report be approved.**

8. **PROPOSED BUDGET AND PRECEPT 2012/13**

The Treasurer told the meeting that there was great pressure on public finances although the rate of inflation has started to fall. Tunbridge Wells Borough Council are not planning to give any pay increases this year, so the Treasurer recommended that the Conservators should not increase the pay of their officers either.

As the grasscutting contract and litter contract were not finalised, he has kept the budget for these two at the same level as the previous year, but increased the contingency to cover any unexpected increases. The budgets for tree work and maintenance of cleared areas have increased, as this work is essential, but this has been offset by small savings elsewhere.

Interest rates continue to be exceptionally low, but a small grant is paid under the Higher Level Stewardship scheme.

The formula would allow for an increase in the precept of 5.6% but, in view of the Borough Council's financial position and their past support, and the fact that reserves can be maintained within prudent levels, the Treasurer recommended that the precept should be kept at the same rate as last year.

**RESOLVED – that the proposed budget for 2012/13 be approved. Proposed by Ian Marshall, seconded by Victor Webb**

**RESOLVED – that the precept of £128,000 be approved.**

**9. GRASSCUTTING CONTRACT**

Discussion held to end of meeting for confidentiality.

**10. LITTER CONTRACT**

Discussion held to end of meeting for confidentiality.

**11. FREEHOLD TENANTS' PROJECTS**

The Warden reported that the Freehold Tenants have been very generous over the years and have indicated their willingness to fund five projects in 2012:

- a) Desilt central portion of Brighton Lake. Preparation would take place during the summer with the work being carried out in the autumn in order to cause as little disturbance as possible to wildlife. Spoil will be stored behind a barrier to drain and dry out, and then be used as fertiliser for roadside hedging;
- b) Continue large clearance between London Road and Castle Road to rear of Highbury and Stranges Avenue retaining roadside trees as a screen. Stumps to be ground out for ease of future maintenance;
- c) Open up blocked part of Lower Terrace Walk behind Brighton Lake;
- d) Create new clearance at top of 101 Steps;
- e) Create new path to link Sweeps Cave path to Beacon Hotel ending in flight of steps.

**RESOLVED – to approve the proposed projects with gratitude.**

John Barber, for the Friends of the Commons, stated that the Friends wished to plant two oak trees for the Diamond Jubilee, one on each Common. He also thanked Sarah Bird for her assistance in obtaining five free trees from KHWP; they have been planted near Mount Ephraim.

**RESOLVED – to approve the project with gratitude.**

Cllr Scholes requested that a press release about these projects be sent to the Courier.

John Barber informed the meeting of the death of Patrick Shovelton, the founder of the Friends. The Clerk added that he had had an enormous role in transforming the Conservators into the forward looking and outgoing body they now are.

**RESOLVED. To write to Dame Helena Shovelton to express the sympathy of the Conservators.**

**12. EDUCATIONAL RESOURCES**

A proposal to develop educational resources for the Commons has been drawn up by Kent High Weald Project, to include a range of option including loanable kits for schools and local groups, eTrail nature trail, childrens' events, school clubs, etc. The project would be run by KHWP and the Friends would apply for funding as the anomalous position of the Conservators means they do not meet the criteria for most grant applications. It was suggested that some of the initiatives (for example, designated walks) should be suitable for all Commons users.

Cllr Scholes offered to help obtain a grant from KCC.

**AGREED. To support KHWP in their development of educational resources for the Commons.**

**13. RUSTHALL WAR MEMORIAL**

A group from Rusthall wish to renovate the War Memorial which has become very neglected, and are applying for grants for this purpose.

**RESOLVED. To allow the renovation to take place.**

**14. HOSPICE IN THE WEALD 10K RUN**

**RESOLVED. To allow the run to take place on 16 September 2012 on the same basis as in previous years.**

**15. FUNFAIR**

Another funfair has requested permission to use the Lower Cricket Pitch as part of the Jubilee celebrations.

**RESOLVED. To refuse permission for a funfair to take place on the Common.**

**16. NURSERY SCHOOL**

As the annual review of the nursery school was required, the meeting expressed their support for the school and felt that its existence enhanced the Common. It had led to very few problems.

**RESOLVED. To grant indefinite permission for the school to continue, and to cease annual reviews; the subject to be revisited only if problems arise.**

**17. ANY OTHER BUSINESS**

a) Roadside car parking

The Clerk reported that the Borough Council is conducting a review of street parking and has invited the Conservators to nominate those areas that need further yellow lines. Both the bend in Hungershall Park and the top of Major Yorks Road are long running problems and it was noted that roads on the Common should not allow all day parking so that the spaces are free for Commons users. The Conservators were asked to feed in any further thoughts to the office.

b) Diamond Jubilee

The Clerk requested suggestions for ways of marking the Jubilee. As the Friends are to plant commemorative trees and a bonfire is to be lit on the Lower Cricket Pitch, it was felt that the event was being marked. There are no suitable sites for further avenues or circles of trees, unless Stranges Avenue was to be replaced.

c) Bishops Down Road

A member of the public has requested that a footpath be installed along the grass verge as parking on the opposite side forces pedestrians to walk into the road. It was thought unnecessary as the road is not busy enough for pedestrians to require protection, and a footpath on the opposite side would require them to cross the road twice.

d) Sunnyside Road

The Warden reported that parking is starting to encroach onto the Common as most of the posts have been knocked over. He recommended installing taller posts in the original positions, possibly with reflective bands. This would cost £2,950. The turning area would remain. The intention would be to protect

residents' parking while preventing parking by shoppers and stopping delivery vans being driven across the Common

**RESOLVED. To allow the posts on condition that the residents have been consulted and are in favour.**

e) Helicopter landings.

Targetfollow have received several requests lately to land private helicopters on the cricket pitch. The meeting agreed that the Air Ambulance should always be given priority, and safety issues should also be considered. It was suggested that applicants should be referred to the Spa Hotel, who, it is believed, have a landing pad.

**RESOLVED. To refuse permission for private helicopters to land unless the Air Ambulance service no longer need it and there is no landing pad at the Spa Hotel.**

f) Easement.

Targetfollow has received an application from a householder in Harmony Street to remove the bollards that were installed to prevent parking on the Common, and to grant an easement to use the driveway again. It was pointed out that an easement gives the right to pass and repass, but the householders have nowhere to park their cars, and will therefore continue to use the drive as a car park if an easement is granted. It was pointed out that the bollards will be removed shortly and double kerbing installed which will prevent any future access.

**RESOLVED. Not to allow an easement for this drive.**

**18. PLANNING APPLICATIONS**

The Clerk pointed out that the applications are listed for information only as they have already been responded to. The Chairman indicated that, for her year in the Chair, she will take part in any Conservators' discussions that may be necessary. This would mean she will not discuss these applications as part of the Western Area Planning Committee.

Linden Park Cricket Club - removal of limited time condition on previous permission. Wrote to indicate Conservators have no objection.

23 Upper Street, Rusthall – paving over front garden. Wrote to point out previous application for parking bay.

Applications received but not commented on:

13 Lower Green Road – demolition of garage and erection of extension.

*John Barber, Jennifer Blackburn and Maria Simmons left the meeting at this point.*

**19. GRASSCUTTING CONTRACT**

Three tenders have been received and the Warden distributed a spreadsheet showing the details. The Clerk confirmed that the Conservators were not obliged to take the lowest tender, but needed to seek value for money, and therefore the involvement of the Warden in managing the contract must be considered.

**RESOLVED. To award the three year grasscutting contract to G Bridgland Ltd. Proposed by Ian Marshall, seconded by Mungo Chapman.**

**20. LITTER CONTRACT**

The Warden reported that the new litter contractor, Oakbourne, was doing an excellent job and the Common was now cleaner than it had been for several years.

The Warden was concerned that, at the current rate of payment, he may find it difficult to continue at the same level of commitment.

**RESOLVED. To award a three year contract to Oakbourne and to authorise the Warden, Clerk and Chairman to negotiate a fair rate of payment.**

**21. DATE OF NEXT MEETING**

The next meeting will be held on 19 April 2012 at 2.00 p.m.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in The Council Chamber on Thursday 19 April 2012 at 2.30pm**

- PRESENT:** Barbara Cobbold (Chairman)  
Sarah Bird  
Mungo Chapman  
Peter Freeman  
Andrew Gower  
Ian Marshall  
Cllr Catherine Mayhew  
Kate Sander  
Cllr James Scholes  
Cllr Victor Webb
- APOLOGIES:** Nathan Dickinson  
Chris Jones
- ATTENDING:** Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)
- OBSERVING:** Maria Simmons

## **MINUTES**

### **1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 26 January 2012 were considered, approved and signed by the Chairman as a true record.

### **2. MATTERS ARISING**

#### **a) Mount Edgcumbe Hotel**

It was noted that the hotel had not opened for Easter as hoped, but is due to be opened shortly.

#### **b) Interactive panel**

The panel may be reused as part of the educational project but could also be used by the Friends for a map if wished.

c) Beacon Hotel

The owner has agreed to remove his extra signs but has not done so yet as the main sign has been stolen. He will remove the secondary signs once the replacement sign is in place.

d) Helicopter landings

It was confirmed that the Kent Air Ambulance would like to continue using the cricket ground as a landing place in emergencies even though a new helipad was available at the new hospital.

3. WARDEN'S REPORT

The Warden reported that he has completed all the planned works for the winter period.

Due to the unexpected availability of machinery, the new path at Happy Valley, scheduled for the autumn, has also been created. It was pointed out that it is very steep and slippery in places and the Warden agreed that it will need steps in a few places.

The extension of the big clearance behind the Forum adjacent to Castle Road to created wood pasture has now been completed and seeded, and the new grass should be appearing soon due to the recent rain. On one section there were almost no trees worth saving other than damaged birch and sycamore, so the clearance is more complete than envisaged, although this provides an opportunity to do some planting of native trees. He has received many compliments.

Cllr Webb made the point that, although he approves of much of the clearance work that has been carried out in the last few years, this last clearance was much more drastic than he thought desirable, and could not understand why quite sizeable trees had been removed. He expressed concern at the destruction of habitats, and felt that scrub and bramble was valuable to many creatures that live on the Common. He was concerned at the reduction in numbers of lizards and snakes. He also pointed out that the air quality on London Road is very poor, and the trees are needed to counteract that.

The Warden explained that it is necessary to go through a clearance phase to return the Common to its original heathland and wood pasture, as laid down by the management plan. This is designed to increase habitats for numbers of rare species that are present on the Common in dwindling numbers. The trees that were removed were either damaged or undesirable, and he intends to plant species more appropriate to heathland such as Scots Pine. He pointed out that lizards and snakes have been driven out by the encroaching scrub and woodland, and that recreating heathland will encourage the numbers to build up, a practice also being carried out by the RSPB in Broadwater Warren and on the Ashdown Forest. The plan is to create a mosaic of heathland, woodland and grassland to provide a wide range of habitats.

Dan Docker, the Borough Council Trees Officer, has offered to attend a site meeting with Cllr Webb and the Warden to explain the objectives of the management plan and why certain types of operation are being carried out.

The Clerk pointed out that the Warden was instructed to carry out this work by the Conservators at the previous meeting, and that all the work carried out by the Warden is based on the management plan or direct instructions by the Conservators.

**4. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2011/12 showing total payments of £42,938.20 and receipts of £1,780.62.

The End of Year Accounts will be presented to the next meeting.

**RESOLVED. To approve the report.**

**5. LITTER CONTRACT**

The Warden informed the Conservators that, with the help of the Treasurer, a formula has been devised for a fair payment to the litter contractor. With the agreement of the Clerk and Chairman he had spoken to the new contractor and proposed a total annual payment, including tipping costs, of £20,928. The contractor has agreed to this proposal, which is linked to CPI and the actual increases in tipping costs.

Any contract offered will include clear specifications as well as penalties.

**RESOLVED. To offer a three year contract to Oakbourne on the basis of the remuneration outlined above.**

**6. WILDFLOWER VERGES**

The Landscape and Biodiversity Office for TWBC has asked the Conservators to run a trial to allow wildflowers to grow on some areas of Tunbridge Wells Common close to the road. The possibilities are Inner London Road, the triangles of grass at Vale Road, and the newly cleared area opposite the triangles.

The trial will allow selected areas to grow unchecked through the summer to see what varieties grow naturally with possible plug planting of further varieties if the results are encouraging. A neat appearance will be maintained by mowing around the trial areas.

The Warden expressed some concern that the longer grass may be trampled and it may serve as a trap for blown litter, but the trial will test these. He will endeavour to keep desire lines open. The trial will also test public opinion.

It was suggested that the bank opposite Vale Road may be inappropriate for the trial as sight lines must be kept clear for the traffic.

**RESOLVED. To run a trial this year.**

7. **RUSTHALL BONFIRE**

**RESOLVED. To grant permission for a bonfire on 27 October 2012 on a similar basis to 2011 and subject to the same terms and conditions.**

8. **ANY OTHER BUSINESS**

a) **Precept**

The Conservators were asked if they could set the precept in December rather than January as this would assist Rusthall Parish Council to set their budget in time. The Treasurer pointed out that the Conservators meeting would then need to be held in December, but holding it in early January would be possible and may be desirable. The Conservators indicated their willingness to hold the meeting at the beginning of January. The Clerk will discuss this with the Chief Executive of TWBC.

b) **Travellers**

**RESOLVED. To place bollards where the Commons may be vulnerable to entrance by travellers, especially at the Lower Cricket Ground on Church Road.**

c) **Advertising posters**

The Warden agreed to instruct the litter picker to remove all advertising signs, boards and posters on the verges wherever possible. Where the boards are too large to remove, the organisation that placed them there should be approached.

d) **Litter bins**

The Warden will replace bins in a poor condition including the one in Hungershall Park.

e) **Harmony Street**

It was pointed out that cars are still not parking on the lower section of the new double kerb as they are afraid of damaging their cars, and so the cars opposite are still parking on the grass. The Warden was asked to put letters on cars parking on the grass asking them to move further out.

f) **Friends**

The Chairman of the Friends told the meeting that they had taken a stall in the Pantiles on Easter Day and received a very positive response.

g) Picnic company

An organisation has asked permission to set up a temporary, moveable booth on the Commons selling picnics and renting out blankets, baskets, etc. It was pointed out that purely commercial ventures are against the Open Spaces Policy. Although the policy was not intended to fetter the discretion of the Conservators, concern was expressed that it could set an unwelcome precedent

**RESOLVED. To refuse permission to sell picnics on the Commons.**

h) Jubilee Celebrations

It has been confirmed that the beacon will be lit in a specially made basket on the Lower Cricket Ground. There will be a hog roast and Morris dancers. The meeting discussed the advisability of allowing a commercial company to sell food and concluded that it was important to the success of the event, but asked the company to donate some of its profits to charity.

**RESOLVED. To delegate authority to the committee to take any decisions necessary for the event to take place. Conservators should all be kept informed by email.**

i) Refreshments

The Borough Council have introduced a charge of £15 for the use of meeting rooms, with an extra £10 for refreshments. The meeting concluded that refreshments are not necessary.

9. PLANNING APPLICATIONS

15-16 Eridge Road (Plant and Tools site) – new application for flats and houses. Repeated expectation of receiving Section 106 money and pointed out that verges are Common. In correspondence with developer over boundary.

21-23 Eridge Road – demolition of garages and construction of houses. Pointed out that verge is Common and no materials to be stored there.

73 London Road – demolition of porch, construction of extension. Pointed out that no materials to be stored on grass at Inner London Road.

Applications received but not commented on:

Langton Villa, Langton Road – demolition of existing extension and construction of new one.

Conservative Association, 84 London Road – repaving to front and creation of roof terrace.

The next meeting will be held at 2.00 p.m. on 12 July 2012 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 12 July 2012 at 2.00pm**

- PRESENT: Cllr Barbara Cobbold (Chairman)  
Sarah Bird  
Mungo Chapman  
Peter Freeman  
Chris Jones  
Ian Marshall  
Cllr Catherine Mayhew  
Kate Sander  
Cllr James Scholes  
Cllr Victor Webb
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)
- OBSERVING: Maria Simmons

## **MINUTES**

### **1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 19 April 2012 were considered, approved and signed by the Chairman as a true record.

### **2. MATTERS ARISING**

#### **a) Mount Edgcumbe Hotel**

The Warden was asked to ensure that the new owners understand where their boundary lies, and make it clear that the hotel must stay within its own boundary.

#### **b) Advertising boards**

The litter picker has been instructed to remove all unauthorised advertising boards, or make them not visible if this is not possible.

c) Precept

The Clerk has met the Borough Council Chief Executive and discussed the timing of the precept. He will have further discussions with the Treasurer and make his recommendation to the next meeting.

d) Beacon donation

The Warden was asked to ascertain where the proprietor of the hog roast at the lighting of the Jubilee Beacon had made his charitable donation.

e) Litter bins

The Warden has a budget of £800 for new litter bins and is hoping that the new, lower prices will enable him to buy three.

**RESOLVED. To authorise the Warden to spend money from the reserves on further bins if a better deal on a larger quantity can be achieved.**

f) Damaged signs

It was confirmed that some new signs will be installed to replace some of the old, damaged ones. The Borough Council are reframing one at Fir Tree Road.

3. **WARDEN'S REPORT**

The Warden reported that it has been difficult to complete all the planned work due to the constant rain. The grass cutting is not as neat as usual as it is too wet, but is growing strongly so the budgeted twelve cuts are unlikely to be sufficient this year. He has fifteen bench renovations planned, some funded by the Friends, but these cannot be carried out until the weather improves. The Cricket Club renovated the benches by the cricket pitch earlier in the year during the fine weather, which has been a great help.

The wildflower experiment is continuing. The Warden is pleased by the area below Church Road which shows the promise of some floristic diversity, but above Church Road it is less successful, and he would prefer to see the experiment moved opposite, above the coach park, next year. Most feedback has been positive, including from the London Road Residents Association. He would be happy to run an experiment at the junction of Coach Road and Rusthall Road in the future if it is wanted by the residents.

He agreed that the cold baths would be weeded and tidied soon, just before the Bloom judging. The Friends indicated that they might be willing to take on responsibility for this, and the Conservators expressed their gratitude.

The Warden was asked to ensure grass cuttings are cleared after mowing at Lower Green Road and ask the workmen to be more careful when using strimmers.

Cllr Webb expressed the view that the policy of restoring the heathland should be reviewed before any further large scale clearances are undertaken, even though the most recent clearance is now starting to look very good.

Fitness trainers are a problem on Tunbridge Wells Common as they damage benches. The Warden speaks to them where possible.

Tightrope walking, as well as tree climbing, has been seen on the Common, but the Warden is not concerned by such activities so long as other Commons users are not put at risk.

The question of people using the Commons for private parties was raised, and it was suggested that consent should never be given to people for gazebos, as the parties often turn out to be more extensive than indicated. There is also a question of liability, even if the Conservators issue a disclaimer.

**RESOLVED. The officers to bring a recommendation and wording to the next meeting for consideration.**

The Warden confirmed that desilting Brighton Lake was to begin in October, and this should reduce the rapid growth of pond weed significantly.

**4. FINAL ACCOUNTS AND BALANCE SHEET 2011/12**

These have been submitted to the auditor and approved. They show a small saving on salaries due to lower pension contributions and on maintenance due to the saving on VAT with the new contractor. However, costs on maintenance of cleared areas and posts were up. It was a poor year for interest, but there had been several donations, and work and purchases had been funded by the Freehold Tenants and the Friends. The reserves are within the prudent range.

**RESOLVED. To approve the accounts for the year ended 31 March 2012 and balance sheet as at 31 March 2012.**

**5. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 1 2012/13 showing total payments of £38,554.95 and receipts of £76,416.44. Most of the items relate to the previous financial year. The large dog bag cost was due to finding a new supplier and ordering a two year supply.

**RESOLVED. To approve the report.**

**6. KENT AND SUSSEX HOSPITAL UPDATE**

The Warden informed the Conservators that, with the number of planned developments close to Tunbridge Wells Common, there was likely to be a great deal of extra pressure, especially with dog walking and associated litter. The officers have been working with Kent Wildlife to draw up some costings, a proportion of which

should be met by the Kent and Sussex Hospital site developers in mitigation. The officers and Kent Wildlife are due to meet the developers shortly.

As this would be part of the Section 106 payment, Cllr Scholes stated that he would take no part in any discussion.

7. **RUSTHALL PARISH COUNCIL**

The Clerk and Warden attended a recent Parish Council meeting and reported that they were well received. The main issue that arose was parking at Harmony Street. They were grateful for the invitation and will be happy to attend further meetings as it is a useful way to consult Rusthall residents. Mrs Blackburn to send a list of meeting dates.

8. **INTERACTIVE SIGN**

The Conservators had been asked by Kent Highways for their permission for two interactive signs, one in Coach Road and one in Lower Green Road. Mrs Blackburn stated that this was incorrect, and the two signs were planned for Lower Green Road, one on each side.

**RESOLVED.** To grant permission for the interactive signs on condition that the Warden has no concerns about the exact siting.

9. **ART INSTALLATION**

The Borough Council, in conjunction with the Hoodwink Project, are planning a series of temporary public art installations over the next few years. The first one is to be based at the Forum, will be installed in February and will remain for about six months. The brief is out at the moment with submissions expected shortly. The decision will be taken quickly, so permission is being sought from the Conservators now even though there are no plans available. At least some of the installation will be outside the building and will be lit in some way. Any problems with security and road safety will be dealt with by the Council. It is not expected that any part of the installation will be on the Common. The Conservators agreed that they could not give permission until they have more information, but the next meeting will be too late.

**RESOLVED.** Sarah Bird to hold a meeting with the Borough Council, together with officers, and will disseminate information. A special meeting will be called if it is considered necessary. Clerk to write to the Council.

**10. BRACKEN AND GORSE COTTAGE PIPES**

Work has started to replace the water pipes leading to the two properties; the urgency meant there was not time to consult the Conservators. Although moling has been used so far, a trench will be required.

**RESOLVED. To allow the work to continue on condition that full reinstatement is made.**

**11. HARMONY STREET PARKING**

Residents have complained that the new double kerb is too difficult to park on, so they are parking on the road; this means that, to leave enough space for passing traffic, cars are continuing to park on the grass opposite. Some residents have suggested laying plastic mesh on the first 18 inches of grass to protect it and placing bollards beyond the mesh to ensure that cars cannot park on unprotected grass.

Most Conservators expressed the view that the residents had agreed to the double kerb, therefore no further accommodation was required. Bollards should be installed on the Toad Rock side as previously agreed as the Conservators have a statutory duty to protect the Common. However, the residents do not feel that the kerb is what was proposed because the bottom kerb is much higher than expected and has a much sharper edge, making it difficult for the cars to mount.

Maria Simmons, a resident of the area and a Parish Councillor, was invited to speak. She proposed that, rather than allowing parking to encroach on the Common, the double kerb should be made more accessible. It was suggested that this could be done by raising the road surface.

**RESOLVED. The committee and Chris Jones of Targetfollow to hold a site meeting, together with residents and any other Conservators who wish to go. Cllr Davies should also be invited.**

The question of run-off from the bank above the kerb due to the rain was also raised and the Warden agreed to arrange suitable planting to prevent this when the rain stops.

**12. ANY OTHER BUSINESS**

**a) No 1 Community Centre**

**RESOLVED. To allow an advertising board for their mini Olympics to be placed on the grass at the bottom of Broadwater Lane for three or four days and removed after the event.**

**b) Rusthall Bonfire Village Fete**

**RESOLVED. To allow signs to be placed along Langton Road on the Friday and Saturday.**

c) Rusthall Cricket Club

The club have been trying to raise money to upgrade the pavilion and have a new sponsor who wishes to put an advertising sign up during matches only.

**RESOLVED. To allow the sign to be put up during matches and removed afterwards. Permission to be reviewed after one year.**

d) Disabled Parking

It was pointed out that there are likely to be two applications for disabled parking spaces in Upper Street.

e) Rusthall Bonfire

The Bonfire Committee is arranging its own marshals this year and the Conservators were asked if they could loan any bollards. However, the Conservators do not have any moveable bollards.

f) Meeting with Borough Council Chief Executive

The Clerk reported that, at the recent meeting, the Chief Executive had expressed appreciation for the planting of the Jubilee trees. He also said that the Conservators' letter about yellow lines was still going through the appropriate procedures, and he hoped to be in a position to report back shortly. The route of the Olympic torch was also discussed, although it is unlikely to affect the Common significantly.

g) Traffic

The Conservators believe that the lower part of Major Yorks Road, and its junction with Hungershall Park, is dangerous for pedestrians due to the excessive traffic speed. Cllr Scholes reported that he has been talking to Kent Highways about a crossing over Major Yorks Road from the car park and was awaiting a decision. It was thought unlikely that a crossing will be possible in Eridge Road. He would also pursue the idea of a speed limit at the junction if he has evidence of usage. Cllr Scholes also reported that he has succeeded in getting the double yellow lines extended at the top of Major Yorks Road near the roundabout.

*Councillors Scholes, Mayhew and Webb left at this point.*

13. PLANNING APPLICATIONS

12 Apsley Street - Single storey extension. Pointed out that the verges were not to be damaged and no materials were to be left on them.

Applications received but not commented on:

Kent and Sussex Hospital - scoping opinion

Blue Cedars, Langton Road - demolition of bungalow, replacement with single house.

The next meeting will be held at 2.00 p.m. on 25 October 2012 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 25 October 2012 at 2.00pm**

PRESENT:	Cllr Barbara Cobbold (Chairman) Sarah Bird Mungo Chapman Nathan Dickinson Peter Freeman Andrew Gower Chris Jones Ian Marshall Kate Sander Cllr James Scholes Cllr Victor Webb
APOLOGIES:	Cllr Catherine Mayhew
ATTENDING:	Rodney Stone (Clerk) Geoff Levitt (Treasurer) Steve Budden (Warden) Julia Woodgate (Support Officer) John Barber (Friends of Tunbridge Wells and Rusthall Common) Jennifer Blackburn (Rusthall Parish Council)
INVITED:	David Scully, TWBC Paul Austin Saul Fajerman, KHWP
OBSERVING:	Maria Simmons

## **MINUTES**

### **1. WILDFLOWER EXPERIMENT**

David Scully, Landscape and Biodiversity Officer of Tunbridge Wells Borough Council, presented his report on the wildflower experiment. The project was suggested by TWBC to increase local biodiversity following comments by the South East in Bloom judges in 2011; Tunbridge Wells won the Gold Award and Best In Kent in this year's Bloom competition, scoring highly on biodiversity. The areas chosen for the experiment are priority habitats for Lowland Meadows but not managed as such because of their location. Lowland Meadows are declining fast and the habitat is particularly important for a number of insect groups

The grass was left to grow on the London Road verges for the summer and cut down in September, and the experiment has yielded mixed results. Three experts examined the area before the grass was mown short in September. They found potential in all

sites, but improving floristic diversity in some of the areas would take many years and be very expensive. The area which showed the greatest promise was between Church Road and the bottom of the hill, where several very encouraging species, including harebells, were found.

He acknowledged that most of the residents overlooking these areas found the results untidy and the Conservators need support for the meadows to work. He pointed out that, although meadows can look unkempt in the early stages, they are usually found attractive once established.

A resident of Inner London Road, Paul Austin, was then invited to speak on behalf of many of his neighbours. He offered a petition, signed by 28 residents and comprising 93% of those polled, objecting to the experiment. He pointed out that they are not against biodiversity but believe the trial is being run in the wrong place. He offered the following reasons: they look uncared for and attract an increase in litter and dog mess; they stop people from using the area for picnics and recreation; they will cost far too much to maintain if they are ever to be successful; they force people to walk too close to the main road; the areas form a natural transition between town and common and therefore should be kept tidy; if only the area below Church Road is kept as meadow it will look odd.

The Warden summarised his findings and pointed out that an interesting meadow was not expected in the first year – this was an experiment to see what was growing there and determine how to proceed. Using the results presented by David Scully and his own observations, he believes that the triangles at Vale Road are too small to form meadows and the areas above Church Road have not produced interesting results as the soil has been too disturbed by services.

The top part of the area below Church Road has also been disturbed and produced only coarse growth, but further down the heathland is intact and results have been very encouraging.

He recommended that the experiment on this portion be continued, while discontinuing all other areas. At the same time he recommended starting a new experiment over the larger area opposite, above the coach park, where the soil is also thought to be intact.

Judging by the comments received from the general public, most of the immediate residents dislike it, but Tunbridge Wells residents generally are more supportive.

Following discussion it was agreed that, if the portion below Church Road was to continue as part of the experiment, it would have to be limited to a smaller area excluding the top part, the paths and mown edges would need to be wider, and the delineation between the meadow areas and the short areas would need to be sharper.

**RESOLVED. To start a new experiment on the opposite side of the road next summer and start to improve the species in the reduced area below Church Road. All other areas to be discontinued. The experiment to run for three years in order to assess the results.**

## 2. **EDUCATIONAL PROJECT**

Saul Fajerman, Education Officer of Kent High Weald Partnership, reported on the educational project feasibility study he ran this summer on behalf of the Conservators.

He looked at two main areas: schools, which would use the Common as an educational resource; and the general public.

He discovered that most primary schools within a two kilometre radius of either of the Commons would be interested in using the Commons to deliver parts of the National Curriculum if they had the following:

- a) Accurate mapping, especially of paths;
- b) Extensive information, especially about flora and fauna, and available online;
- c) Equipment such as sweep nets in the form of loanable or permanent kits;
- d) Infrastructure such as a pond dipping platform at the Marlpit Pond.

The members of the public who responded to the survey were very happy with the Common as it is, although they would welcome more interpretation boards and trails, as well as more printed and online information. He agreed that a maintenance programme would be built into any provision of structures such as information panels.

The next step would be to look for sources of funding. Awards for All would probably fund the provision of information for the public, but would not fund the development of schools packs. Cllr Scholes, who arranged the grant for the feasibility study, offered to help find this funding if KHWP can give accurate costs.

Jennifer Blackburn indicated that Rusthall Parish Council may be able to fund a kit for St Pauls School, depending on cost.

John Barber indicated the willingness of the Friends to work with KHWP subject to the approval of the Conservators.

**RESOLVED. To support KHWP to apply for funding and develop the educational potential of the Commons. KHWP to supply accurate costings, if possible for the next meeting, but certainly for the March meeting.**

## 3. **MINUTES**

The minutes of the meeting held on 12 July 2012 were considered, approved and signed by the Chairman as a true record.

#### **4. MATTERS ARISING**

a) Mount Edgcumbe Hotel

It was reported that they had moved their picnic tables onto the Common. The Warden was asked to ensure that this does not happen again and also to check that cables, which are apparently being fixed to trees, are not on the Common.

b) Advertising boards

The Warden confirmed that the board put up by Trinity had now been removed and Salomans had agreed to remove theirs.

c) Beacon Hotel

The Warden was asked to ensure that all the additional signs attached to the post are removed.

d) Parking

Cllr Scholes reported that he has a petition for a crossing over Major Yorks Road and he will ask for permission for this once funding has been agreed. The Clerk reported that TWBC were actively looking at the Conservators' suggestions for parking restrictions.

e) Litter bins

The Warden reported that three new bins had been delivered and were about to be installed.

#### **5. MINUTES OF COMMITTEE MEETING**

The minutes of the Committee meeting held at Harmony Street on 30 August 2012 were considered, approved and signed by the Chairman as a true record.

#### **6. HARMONY STREET**

The Warden outlined the findings of the Committee at Harmony Street, that preventing parked cars from putting their wheels onto the grass in front of Toad Rock would prevent parking entirely down that side of the road as there is currently only just enough room for a single large vehicle to pass. The Committee recommended that the Conservators allow a half metre strip of heavy duty grassguard mesh to be laid on the grass beside the pavement, with a line of bollards to prevent cars from going beyond the mesh. A further one metre strip of pedestrian grade mesh would be laid on the other side of the bollards to provide pedestrian access which is currently blocked by parked cars.

This would cost £4,105 + VAT, half of which will be met by Cllr Davies from his KCC allocation.

Some Conservators expressed serious reservations at allowing what was clearly an encroachment, although others felt it was the only way to protect the Common without adding to the parking crisis in the area.

Most Conservators felt that the additional funding should not come from the Conservators' reserves but from outside sources, and suggested that the residents who will benefit from the parking should be prepared to contribute. Targetfollow agreed to investigate the possibility of providing some funding.

**RESOLVED. To allow the mesh to be laid provided all funding comes from outside sources. Work will not commence until all funding is secured. This is a unique situation and cannot be taken as a precedent**

7. **MEETING DATES**

**RESOLVED. To bring the final meeting of each year forward to December in order to agree the precept before the end of the year, as required by the County of Kent Act 1981. The final 2012 meeting to be held on 6 December at 2.00 p.m.**

8. **WARDEN'S REPORT**

The Warden reported that all scheduled work had been completed despite the weather.

The work at Brighton Lake has been completed, and even more silt and weed has been removed than was expected. The Contractor has done a very good job, preserving almost all the fish, and a member of the public who fished in the lake as a boy and now runs a fish farm has offered to restock free of charge.

Unfortunately the constant rain during the work has resulted in a lot of damage to the surrounding grass. The ground has been levelled and the ruts smoothed out and as soon as it is dry enough it will be harrowed and reseeded.

The Warden thanked the Freehold Tenants for providing the funding for this work.

9. **ACCOUNTS AND FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 2 2012/13 showing total payments of £32,483.83 and receipts of £1,804.30. He confirmed that Other Litter Collection covered the cost of removing rough sleeper camps and fly tipping, and that the projection for Collection of Litter was higher than the budget as the budget was set at the level being paid to the litter collector during his trial period.

**RESOLVED. To approve the Financial Statement for the period ended 30 September 2012.**

*Chris Jones, Nathan Dickinson, Sarah Bird and Andrew Gower left at this point*

10. **DISABLED PARKING BAY**

Maria Simmons was invited to speak. She asked for permission to erect a notice at the parking bay in Upper Street reserving it for disabled badge holders as she and another disabled resident find difficulty parking. This would not be an official bay.

**RESOLVED. To allow the disabled residents to put up a sign and approach the council to mark it with lines on the road.**

11. **MIDDLEFIELD COMMUNAL LAND**

Some of the residents of the new houses at Middlefield have approached the Conservators to enquire whether it would be possible to incorporate the communal land into the Common. The Clerk advised that it is not possible to add any land to the existing registration. If it was separately registered it would not be managed under the County of Kent Act.

It was agreed that no useful discussion can take place until there is more information.

12. **ANY OTHER BUSINESS**

a) **BT Emergency**

The Warden reported that he has been approached by BT who urgently need to renew their cables at the lower end of London Road and want to take them under the Common in front of the Forum rather than dig up the road. No further information is available.

b) **Gas main renewal in Rusthall**

The Warden reported that he has been unable to resolve the issue over repairing the damage to the Common caused by the gas replacement work. However, they need to reopen the work at Bretland Road, and the Warden has refused permission until agreement is reached over restitution.

c) **Craft Fayre**

**RESOLVED. To refuse permission to hold a Craft Fayre on the Common next summer.**

d) **Earthcache**

A club have requested permission for an Earthcache at Toad Rock. This consists of giving co-ordinates and information to members of the club who will visit the site and report back to other members online. No digging is involved.

**RESOLVED. To allow an Earth Cache at Toad Rock.**

e) Filming on Tunbridge Wells Common

The Warden reported that a company will be filming on the Common as part of an English Language teaching course.

*Councillors Scholes and Webb left at this point.*

**13. MITIGATION STRATEGY**

The officers, in conjunction with Kent Wildlife Trust, have prepared a mitigation Strategy paper to deal with the extra pressure that will be placed on the Commons by the large numbers of proposed new dwellings in Tunbridge Wells. They have prepared costings, including both one-off payments and ten year maintenance costs which, if covered by developers, would place a tariff of £72 per dwelling to be paid through the Section 106 Payment. This paper has already been presented to the Kent and Sussex Hospital site developers and been welcomed by David Scully of the Borough Council.

**14. PLANNING APPLICATIONS**

Ashton Lodge & The Lancers, London Road – rejoin the two houses. Pointed out that no damage must be done to Common during building.

Telecommunications cabinet at top of Major Yorks Road. Objected to fact that Conservators had not been consulted and stated that their permission was necessary.

Kent and Sussex Hospital – redevelopment plans. Made no comment on plans but reiterated expectation of financial settlement.

The next meeting will be held at 2.00 p.m. on 6 December 2012 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 6 December 2012 at 2.00pm**

- PRESENT: Cllr Barbara Cobbold (Chairman)  
Mungo Chapman  
Chris Jones  
Ian Marshall  
Kate Sander  
Cllr James Scholes  
Cllr Victor Webb
- APOLOGIES: Cllr Catherine Mayhew  
Peter Freeman
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)
- OBSERVING: Maria Simmons  
Louis Duffield

## **MINUTES**

### **1. MINUTES**

The minutes of the meeting held on 25 October 2012 were considered, approved and signed by the Chairman as a true record.

### **2. MATTERS ARISING**

#### **a) Harmony Street**

Targetfollow confirmed that they would contribute half the cost of the works to protect the Common at Harmony Street whilst allowing parking to continue. The other half to be provided by KCC Councillor John Davies. The work will begin once the KCC grant is confirmed.

On behalf of the Conservators, the Chairman thanked Targetfollow and Cllr Davies for their generous funding.

b) Gas main renewal at Rusthall

The Warden confirmed that Morrisons, the company who replaced the gas main at Rusthall, will pay for the reinstatement. The work will begin as soon as possible.

c) BT emergency work

The Warden reported that he had heard no more from BT about taking new cables across the Common in front of the Forum, even though it was presented to him as an emergency.

d) Mitigation Strategy

Copies of this document were sent to all Conservators to be discussed at the October 2012 meeting.

**RESOLVED. To adopt the Mitigation Strategy as Conservators' policy.  
Proposed by Victor Webb and seconded by Ian Marshall**

e) Kent and Sussex Hospital Redevelopment

It was reported that the plans for redevelopment had been passed. The section 106 payment was said to include £18,000 for the Commons to be spent on mitigation. The office to clarify the position.

3. **WARDEN'S REPORT**

As it has been a relatively short time since the last meeting and the bad weather has hampered the work, there was little to report.

Brighton Lake is now full and looking very good. The fencing has been removed, but most remedial work will have to wait for an improvement in the weather.

The winds have caused some minor damage to trees, but nothing significant. The ditch clearance has been completed.

The major tree work is still to come, and the Warden hopes to have enough left in his budget to continue pushing back trees at the roadsides, creating scalloped edges.

The works to reopen the upper Terrace Walk and clear away the holly at the top of the 101 steps, which currently conceals the last hidden rock outcrop, are to begin next. Both projects are kindly being funded by the Freehold Tenants

Answering a question about Chalaro Fraxinea, or Ash Dieback, the Warden said that the impact on Tunbridge Wells Common would not be great, but it could be on Rusthall Common where there are many more large and mature ash trees.

**4. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2012/13 showing total payments of £29,344.22 and receipts of £64,745.82.

**RESOLVED – that the report be approved.**

*Sarah Bird arrived at this point.*

**5. PROPOSED BUDGET AND PRECEPT 2013/14**

The Treasurer told the meeting that the Government has asked for a council tax freeze this year although the TWBC plans are not known. Inflation was down to 2.7% in October (CPI) but is expected to rise.

Next year's budget is based on requirements, and expenditure is expected to rise by 2.5%. This includes a provision for a 2% increase in salaries; due to the small number of staff, there is no possibility of making staff efficiencies. Allowances for the Clerk and Treasurer will remain unchanged for a fourth year.

The litter budget will increase in line with CPI, and there is no provision for increases in the tipping cost element. The grass cutting budget was set for year two when the contract was awarded.

The tree maintenance budget has increased in line with inflation, but the maintenance of cleared areas budget has been held at last year's level. The Treasurer made the point that the budget has no room for any capital projects, and the Conservators are reliant on assistance from elsewhere, especially the Freehold Tenants, for capital projects.

Apart from the precept, there is very little income. A small HLS payment is received from Natural England but interest is negligible due to the very low interest rates.

The statutory limit for the precept would allow the Conservators to set it at £139,177, but this is more than is required for the forthcoming year.

Following discussion about dog fouling and the cost of providing dog bags and dog bins, it was suggested that the Conservators should look at initiatives for tackling dog fouling in the Borough, including the Southborough awareness campaign and the bag and flag events.

**RESOLVED – that the proposed budget for 2013/14 be approved.**

**RESOLVED – that a precept for 2013/14 of £130,560 be approved.**

6. **DATES OF FUTURE MEETINGS 2013**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.00pm on the following dates:**

21 March 2013  
4 July 2013  
19 September 2013  
12 December 2013

7. **ART INSTALLATION**

A briefing paper was sent to all Conservators for information. The Conservators noted the plans but did not comment as the installation is not on the Common and their permission is not required.

8. **GREAT WAR CENTENARY**

The Borough Council are looking at ways to mark the centenary of the Great War and have suggested that poppies could be grown on part of the Commons. The Warden pointed out that they will only grow on ploughed land so, if they are sown in the first year, the seed will lie dormant and they will not flower again until the area is ploughed again. He suggested that they could be planted on the triangles of grass at Vale Road after rotovation, together with a mix of other cornfield plants such as corn marigolds, cornflowers and corn cockles. The ground would then be rotovated each year from 2014 to 2018.

It was suggested that they could also be grown in the troughs, but they would need watering; possibly a school could be involved in this.

The Warden to produce costings.

9. **EDUCATIONAL PROJECT**

John Barber from the Friends told the meeting that he has been working with KHWP to further the plans. KHWP are confident that they can obtain funding for the work aimed at the general public, but it is less clear where the funding will come from for the schools project. The Friends have agreed to fund the planning for a one school pilot project, although the pilot will not involve pond dipping. KHWP will need to obtain a firm commitment from a school before work begins. The intention would be to work with the school for one year while training a teacher to take over the following year. As St Pauls, Rusthall, appears keen to take part, it is hoped that Rusthall Parish Council may assist in the funding. The Friends will work with Mrs Blackburn and Cllr Scholes, who may be able to assist with funding for a Tunbridge Wells school.

On behalf of the Conservators, the Clerk thanked the Friends for carrying the project forward.

10. **ANY OTHER BUSINESS**

a) **Water features**

The Clerk reported that he had met with Michael Holman, from Water in the Wells, about the possibility of establishing a water feature on the Common. He had expressed the Conservators' desire that the Common should remain natural and not park like, but indicated their willingness to take part in further discussions.

It was pointed out that Brighton Lake was an early water feature, created to provide employment, and this should be commemorated.

b) **Castle Road**

The Warden reported that serious erosion to the verge had occurred at the top of Castle Road. Because parked cars had eroded one side, he had placed tree trunks at the edge of the Common to keep car wheels on the tarmac. However, where the road narrowed at the top, it had resulted in large vehicles driving over the edge of the Common to get by, causing erosion to this side as well. The only solution he could see was to prevent parking at the top end of the road entirely. The Freehold Tenants had suggested placing further tree trunks on the side being eroded, but he felt that this would make the road impassable.

**RESOLVED. The Warden to speak to Kent Highways and TWBC Highways Department about yellow lines. Unless the matter is resolved urgently, the Clerk to raise the matter at a more senior level.**

11. **PLANNING APPLICATIONS**

St Pauls School House, Rusthall – new dormer window. Pointed out that no damage may be caused to Common.

Applications received but not commented on:

Langton Villa – erection of extensions.

The next meeting will be held at **2.00 p.m. on 21 March 2013.**

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 21 March 2013 at 2.00pm**

PRESENT: Cllr Barbara Cobbold (Retiring Chairman)  
Neill Buchanan  
Mungo Chapman  
Peter Freeman  
Ian Marshall  
Cllr James Scholes  
Cllr Victor Webb

APOLOGIES: Sarah Bird  
Nathan Dickinson  
Andrew Gower  
Chris Jones  
Cllr Catherine Mayhew

ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Jennifer Blackburn (Rusthall Parish Council)  
John Barber (Friends of Tunbridge Wells and Rusthall Commons)

OBSERVING: Maria Simmons

## **MINUTES**

### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third schedule of the County of Kent Act 1981 it was noted that the Conservators are required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Chris Jones, representative of the Manor of Rusthall, be appointed as Chairman until the annual meeting of the Conservators in March 2014.**

In the absence of Chris Jones, Cllr Barbara Cobbold was asked to act as Chairman for the meeting.

**2. MEMBERSHIP**

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

Tunbridge Wells Borough Council:

Cllr Barbara Cobbold	)	
Cllr Victor Webb	)	one year term ending
Cllr Catherine Mayhew	)	31 December 2013
Cllr James Scholes	)	

Freehold Tenants:

Mungo Chapman	)	
Peter Freeman	)	1st year of three year term until
Ian Marshall	)	31 December 2015
Neil Buchanan	)	

Manor of Rusthall:

Sarah Bird	)	
Andrew Gower	)	3rd year of three year term until
Chris Jones	)	31 December 2013
Nathan Dickinson	)	

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 6 December 2012 were considered, approved and signed by the Chairman.

**4. MATTERS ARISING**

a) Harmony Street

Concern was raised that there was no solid foundation under the mesh that had been laid on the grass where cars park. The Warden pointed out that the mesh is designed to sit on soil so that the grass can grow through it, although he was concerned that bad weather had made it difficult to replace the soil over the top, which was leading to the mesh lifting and being damaged. He was also concerned that the grass would not grow now the whole stretch was being used constantly for parking, and agreed with a suggestion that short areas could be successively cordoned off to allow the seed to germinate.

**RESOLVED.** To review the progress at the next meeting, once the seed had been sown.

Concern was also raised that people had begun parking further up the road, on the bend, and this was considered dangerous, as well as causing damage to the Common.

**RESOLVED.** To install temporary posts to protect the Common and request KCC to introduce double yellow lines. Proposed by Ian Marshall, seconded by Mungo Chapman, carried by 5 votes to 1 with 1 abstention.

b) Rusthall Verges

The Warden confirmed that the verges would be reseeded shortly, following reinstatement work after the gas main was renewed.

c) Section 106 payment

It was confirmed that the office will be submitting a proposal towards the end of the year for spending the allocated £18,000 in mitigation for the new hospital site development. The money should be available in the spring/summer of 2014.

d) Educational Project

John Barber of the Friends informed the Conservators that they had submitted five funding applications and were waiting to hear the outcome.

e) Troughs

The acting Chairman confirmed that she had arranged volunteers to plant up the trough on Tunbridge Wells Common.

**5. WARDEN'S REPORT**

The Warden reported that bad weather has prevented the restoration work from taking place around Brighton Lake but, apart from this, the work programme has been mostly completed.

The wildflower volunteer planting day was cancelled due to bad weather, but the supplier was planting the plugs himself.

The work to restore the Terrace Walk has been carried out, although the path is still very wet because of the weather.

He also agreed to clear part of the asphalt path adjacent to the garden centre which was very boggy.

The planned work to push back the roadside trees has been completed, which will allow access to inspect the trees that remain.

He was asked to investigate the clearance work that has taken place around the Mount Edgcumbe Hotel; the clearance of hollies was agreed with the hotel owners, who paid for the work, but the Warden was unaware that some trees had also been cleared.

He informed the meeting that the recently planted saplings were a mixture of elder, oak, rowan, hazel, field maple, hawthorn and hornbeam. The stand of more mature trees are Scots Pine.

**6. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2012/13 showing total payments of £35,541.46 and receipts of £1,970.01.

**RESOLVED – that the report be approved.**

**7. SALARY REVIEW**

**RESOLVED – to increase the salaries of the Warden and Support Officer by 2%, with effect from 1 April 2013.**

**8. CASTLE ROAD**

The Conservators agreed that the erosion of Castle Road by vehicles driving onto the Common to pass the parked cars was a problem that needed a short term and a long term solution. KCC have made it clear that any application for yellow lines to remove parked cars at the top of the road would be considered in the normal process, and cannot be expedited.

**RESOLVED. The Warden to meet Steven Noad of KCC to agree the edge of the road. Tree trunks to be placed 450mm from this point on both sides of the road as a temporary measure.**

**RESOLVED. A formal request to be made to Nick Baldwin of TWBC for yellow lines as a permanent solution to the problem. This request to be forwarded to KCC and the JTB. The request should include accurate measurements.**

**RESOLVED. To accept the offer of a temporary infill of the eroded edge to prevent damage to vehicles until a permanent solution is implemented. This would be on the basis that the Conservators were not giving up that part of the Common for road widening.**

**9. FREEHOLD TENANTS' PROJECTS**

After discussions with the Warden, the Freehold Tenants have proposed funding five projects in 2013:

- a) Clearance between Wellington Rocks and Castle Road. This would open up a classic view across the Lower Cricket Ground and create a new path;
- b) Two stands of Scots Pine. They have already been planted due to approach of spring;

- c) A new pond and wetland area where water has begun to collect adjacent to the bunds created by the last clearance. This would provide new habitats and supply water to the reptiles who have begun to recolonise the area;
- d) Clearance of the central portion of the valley between the Tarry Path and the open heathland near Rusthall Road, creating a new path linking the Tarry Path to the village;
- e) A new path to the Marlpit Pond with an all weather surface.

**RESOLVED – to approve the proposed projects with a vote of thanks for all the good work of the Freehold Tenants.**

**10. WORLD WAR ONE COMMEMORATION**

The Conservators noted the information that the current proposals include erecting a bell tent on the Lower Cricket Ground for a week in the summer of 2014. This would be manned at all times by volunteers in WW1 soldiers' uniforms who would provide information and answer questions. This would be repeated in 2016, with a possible re-enactment of the Battle of Jutland.

**11. RUSTHALL BONFIRE**

**RESOLVED. To grant permission for a bonfire on 26 October 2013 on a similar basis to 2012 and subject to the same terms and conditions.**

**12. RUSTHALL CRICKET CLUB**

Last year the Conservators granted the club permission to display advertising for their sponsor on match days only. The have now found a sponsor and wish to display an advertising board permanently on the side of the pavilion

**RESOLVED. To refuse permission for permanent advertising of any sort.**

**13. ANY OTHER BUSINESS**

a) Beacon signs

The owners of the Beacon have continued to add temporary signs to the post holding their main sign, despite being asked repeatedly to remove them.

**RESOLVED. To implement the procedure under the encroachment policy to have all additional signs removed.**

b) Pepenbury

**RESOLVED. To allow a poster to be displayed for a maximum of two weeks at the end of the drive to St Pauls, to advertise the charitable concert being given there on 18 May 2013. Permission was not given for a banner to be displayed.**

c) Wedding Reception at Linden Park Cricket Club

**RESOLVED.** To allow a marquee to be erected on the cricket ground and the wedding reception to take place there on 5 October 2013 under the terms outlined to the officers, as the groom is a long-standing member of the club.

d) No 1

**RESOLVED.** To allow a poster to be displayed on the Common to advertise the No 1 Summer Fair on 20 July 2013. The poster to be there no longer than one week.

e) Rusthall Fete

**RESOLVED.** To allow signs advertising the Rusthall Fete to be displayed on the verges on Langton Road. The signs to be there for no longer than one week.

14. PLANNING APPLICATIONS

15-16 Eridge Road – gone to appeal. Repeated concerns about verge and stated the Conservators' entitlement to a portion of the s106 payment.

Received but not commented on:

The Forum – temporary installation of art project  
38 The Pantiles – change of use from residential to D1  
Pigeon Wood and Heathgate Cottage – Tree Preservation Order  
Summerhill House, 73 London Road – relocation of gate post

15. DATE OF NEXT MEETING

The next meeting will be held on 4 July 2013 at 2.00 p.m.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 4 July 2013 at 2.00pm**

PRESENT:	Chris Jones (Chairman) Sarah Bird Neill Buchanan Mungo Chapman Cllr Barbara Cobbold Peter Freeman Ian Marshall Cllr Catherine Mayhew Cllr James Scholes Cllr Victor Webb
APOLOGIES:	Nathan Dickinson Andrew Gower 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) Saul Fajerman (KHWP)
OBSERVING:	Maria Simmons

## **MINUTES**

### **1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 21 March 2013 were considered, approved and signed by the Chairman as a true record.

### **2. MATTERS ARISING**

#### **a) Harmony Street**

The Warden reported that the residents appear happy with the measures taken in Harmony Street to protect the grass. The grass has been slow to establish due to the constant shading from vehicles, but overseeding with more grass seed should rectify the problem. He had decided against keeping small areas free of cars in turn because of the pressure for spaces.

b) Scots Pines

It was pointed out that one of the newly planted Scots pines appeared to be failing; it was confirmed that it would be replaced if necessary.

3. **WARDEN'S REPORT**

The Warden reported that the drainage problems beside Brighton Lake had been resolved with the old drainage pipe reinstated. The ground has now dried out but still needs overseeding to restore the grass.

The path between Castle Road and Wellington Rocks has been improved with Freehold Tenants' funding, and has proved very popular.

The grass has grown very fast this year, so the machines have been brought in early to clear sightlines and path edges.

The Warden will shortly be taking the Britain in Bloom judges for a walk on Tunbridge Wells Common; the route was to have included Mt Edgcumbe Rocks, but, on cutting the long grass, sewage was found to be seeping out of the ground. The source of the problem will need to be identified and rectified, which could be a lengthy process.

Ten benches have been restored this year and the cricket club are continuing to maintain the benches by the cricket pitch. There is a possibility that several new benches will be donated this year.

**RESOLVED. To compile a list of criteria for future bench donations, which should specify the length of time the bench is guaranteed to be maintained, and what will happen to plaques when the benches are replaced.**

Concern was expressed over the increasing use of disposable barbecues, which burn the grass and create litter. As they cannot be moved while they are hot, the Warden requests that people raise them off the ground in future.

The issue of the sign at the entrance to the Common, which has not been maintained in years and is now in a very poor state, was raised. Its future will be discussed with KHWP, who installed the sign.

4. **FINANCIAL STATEMENT No 5 2012/13**

The Treasurer submitted Financial Statement No 5 2012/13 showing total payments of £12,618.11 and receipts of £7,582.39.

**RESOLVED. To approve the statement.**

5. **FINAL ACCOUNTS AND BALANCE SHEET 2012/13**

These have been audited, with the controls found to be satisfactory and effective.

**RESOLVED.** To approve the accounts for the year ended 31 March 2013 and balance sheet as at 31 March 2013.

6. **FINANCIAL STATEMENT No 1 2013/14**

The Treasurer submitted Financial Statement No 1 2013/14 showing total payments of £31,121.75 and receipts of £68,947.92.

**RESOLVED.** To approve the statement.

7. **EDUCATIONAL PROJECT**

Saul Fajerman, for KHWP, and John Barber, Chairman of the Friends, submitted an internal briefing paper on the progress of the Common Vision project, which comprises interpretation and education, together with a statement showing costings and grants received. Both parts of the project have sufficient funding to allow implementation to be taken forward and it is hoped that if the Ernest Cook Trust support the educational project when they consider it in September that will enable, for example, both St Pauls and Broadwater Down primary schools to be included. NB this latter will not include a pond dipping element.

In answer to a question about the value of the project, the Conservators were told that the head teacher at St Paul's School, the first school to be involved, had made the very strong point that children do not learn about the natural world at home, and it is essential to lay down the foundations as early as possible, to teach them to respect, appreciate and enjoy their environment. These are the stakeholders of the future.

**RESOLVED.** To thank the Friends for the hard work they have put in to make this project successful.

KHWP has planned a day of Interpretation Training on Monday 5 August for a group of Commons users, including Conservators. This group will assist in drawing up an interpretation plan for providing information to the public.

8. **CASTLE ROAD**

The Warden reported that he had met Steven Noad of Kent Highways on site, and it was clear that, even if yellow lines are a possibility, it is very much in the future. Accordingly he will move the tree trunks to the permitted 450mm from the road edge, allowing cars to continue to use the eroded portion of the Common. Kent Highways will fill the eroded area with scalps to stop it from getting worse. He confirmed that the Clerk has written to KCC to formally request yellow lines both here and on the bend in Harmony Street.

**RESOLVED.** To ask Nick Baldwin, Highways engineer for TWBC, to attend the next Conservators' meeting.

9. **ANY OTHER BUSINESS**

a) Subsidence at Rusthall Park

The Warden reported that there is apparently subsidence on the road from Harmony Street to Rusthall Park where it passes between the rock formations. He will meet the residents' association to try to mitigate damage to the Common during repairs.

b) Kent Youth Services

They wish to hold an afternoon of sports for young people, including football and cricket, on the Lower Cricket Pitch, but there are no further details available.

**RESOLVED.** To allow the sports afternoon subject to the Warden liaising with the organisers and being satisfied with the details.

c) Dog mess

The Warden agreed that this is a problem, although less so than it used to be. He was reminded that bag and flag events may be helpful.

d) Stranges Avenue

Cars are continually parking at the bottom of the footpath beside the disused car wash, and the Warden reported that he will put in an extra bollard to prevent encroachment.

e) Verges at Plant and Tools site

It was noted that the verge is Common, and this needs to be protected when the development takes place. The plans do not show any encroachment.

f) Building at the top of Major Yorks Road

It was noted that the building, formerly a pub, was to be converted to flats, although no plan has been submitted yet. The Warden intends to place extra posts to prevent encroachment from the inevitable extra parking.

10. **PLANNING APPLICATIONS**

Henrietta House, 47 London Road – change of use to dwelling. No comment.  
72 London Road – replacement fence. No comment.

The next meeting will be held at 2.00 p.m. on 19 September 2013 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 19 September 2013 at 2.00pm**

- PRESENT: Sarah Bird (Acting Chairman)  
Neill Buchanan  
Mungo Chapman  
Cllr Barbara Cobbold  
Peter Freeman  
Andrew Gower  
Ian Marshall  
Cllr Victor Webb
- APOLOGIES: Nathan Dickinson  
Chris Jones  
Cllr Catherine Mayhew  
Cllr James Scholes
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)  
John Cunningham (Water in the Wells Group)  
Nick Baldwin (TWBC)
- OBSERVING: Maria Simmons

## **MINUTES**

### **1. CHAIRMAN**

In the absence of the Chairman, Sarah Bird was asked to chair the meeting.

### **2. BRIGHTON LAKE**

John Cunningham from the Water in the Wells Group outlined the project with particular reference to Brighton Lake.

The project aims to provide very visible water features at strategic locations around the town, and considers the four main road entrances to the town to be of particular

importance. On Eridge Road it was believed that the best site would be Brighton Lake.

The main problem would be the provision of an electricity supply which cannot be taken from a lighting pole. However, it is possible it could be brought from the Tunbridge Wells Garden Centre, and the Group have had some very positive discussions with them. They estimate the cost of the entire Brighton Lake project to be under £20,000 and the running costs to be around £600 - £800 p.a. which they hope to persuade the water company to cover. The capital cost will, they intend, be covered by a mixture of sponsorship, government, local government, and charitable grants as well as public subscription. They emphasised that they were not expecting the Conservators to contribute to the cost. The design is yet to be considered, although it would need to rise to some height to be visible from the road.

The Clerk asked the Conservators to consider whether, in principle, they were prepared to support the idea, depending on the actual design, as there is little point in the Group continuing to invest time and money in the planning if no water feature of any kind would be permitted.

The Conservators suggested that the roundabout near Sainsbury's would be a more suitable location, but the Group had concluded that on windy days the blown spray could be a danger to traffic negotiating the roundabout. Also, the road layout is very uneven and has a tendency to flood.

Four of the Conservators expressed reservations: that a feature at the junction of Broadwater Lane and Eridge Road may be a distraction to passing motorists, that the feature may be too park like, and that Brighton Lake is not visible enough to make a statement. The Warden was concerned over practical issues such as security of power supply and safety of members of the public.

Two of the Conservators were very supportive of the project. Targetfollow were unable to give a view as they will need to look carefully at the issue of the landowner's legal responsibility.

The meeting decided that they were unable to give a response in principle, but would be prepared to consider an actual design so long as it looked natural; for example, a pile of sandstone rocks with water trickling down. A fountain would be unacceptable.

The Conservators thanked Mr Cunningham for his comprehensive briefing.

### **3. PARKING**

Nick Baldwin, from the Borough Council, outlined the division of responsibilities between TWBC and KCC. KCC is the highway authority and deals with nearly every aspect of highways. However, TWBC carries out parking restrictions on behalf of KCC where they are put in place for parking management reasons; KCC continues to deal with restrictions for safety and movement, although TWBC can look at the issues on their behalf and report their findings to KCC. This arrangement was introduced in 2005.

All restrictions are covered by Traffic Regulation Orders. The orders are always issued in the name of KCC although they may be written by TWBC.

The process is that, when TWBC receives a request, it considers the restrictions that may be necessary and usually holds an informal consultation, such as a letter drop, to gauge reaction. If appropriate, it then formulates a proposal for a Traffic Regulation Order. Subsequently it advertises the proposal which gives 21 days for objections, of which there are almost always some. If there are fewer than 5, the matter will be dealt with by an officer, but if there are six or more the proposal will go to the TWBC Joint Transportation Board, which meets quarterly. If it is agreed, the Order will be written and signed by KCC, who will advertise and implement it. As advertising is expensive, they often wait until they have several orders to bundle together, which can lead to long delays.

TWBC has not carried out a review of parking for five years, so it has spent this year prioritising and investigating the 50 or more requests it has received.

As the Conservators have requested a number of restrictions which will have an effect on the rest of the town by displacing a large number of all day parkers, it has prepared a report for the Joint Transportation Board now, instead of following the usual route, in order to seek its opinion. It is possible the JTB will require the restrictions to be pared down or introduced in stages. The report is not yet finalised, and is subject to further management changes, but it will contain crash data for the last three years and car crime data for the last year. It was pointed out that crash data would not contain some very serious crashes that have happened in Hungershall Park in the last twelve years, and that car crime is frequently not reported to the police.

Mr Baldwin confirmed that KCC have already agreed to introduce double yellow lines at the top of Castle Road.

**RESOLVED. Office to send copies of the Clerk's letter and the action points from the unfinished JTB report to the Conservators for comments. All comments to be sent to the office by Tuesday 24 September.**

**RESOLVED. To ask TWBC to add the parking problems in Bishops Down Road to the report.**

The Conservators thanked Nick Baldwin for attending the meeting and for explaining the process.

#### **4. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 4 July 2013 were considered, approved and signed by the Chairman as a true record.

#### **5. MATTERS ARISING**

##### **a) Scots Pines**

The Warden confirmed that he will be replacing the dead tree.

b) Rusthall Park subsidence

The Warden agreed that it was hard to see any subsidence, but he would meet the residents before any work was carried out.

6. COMMON VISION UPDATE

John Barber informed the meeting that further grants have been received and the project is now almost fully funded.

The education element is in place and ready to take forward.

The interpretation element is well underway. An expert adviser had led a meeting with volunteers to work on the development of an interpretation plan, which is being finalised by KHWP. Two working groups have been formed, one to develop information panels at the main entrances, and one to develop a series of walks, avoiding busy main roads. A third working group is being considered to look at information data and an overall data architecture.

Recommendations will be put to the Conservators next year.

7. WARDEN'S REPORT

The Warden advised the meeting that contractors would shortly be putting in a new path on Rusthall Common on the approach to the Marl pits, funded by the Freehold Tenants. As the entrance at Common View gets very slippery in wet weather, he recommended putting in a short section of path here at the same time. The cost of the second path would be in the region of £600 inc VAT.

**RESOLVED. That the path be surfaced at the entrance at Common View.**

He confirmed that the path on the Bumps will be extended later in the year, paid for by the Freehold Tenants.

He reported that the wildflower areas on Inner London Road had produced few flowers this year, but the plants appeared healthy, and so he was hoping for a better result next year. On the other side of the road, above the coach park, the ground had proved suitable for wildflowers although he recommended concentrating it on a much smaller area. The cost of the altered mowing regime should prove neutral, and the plugs and seeds required for this and for the original areas would cost a few hundred pounds. It may be possible to get some more funding from the Bloom Committee.

**RESOLVED. To extend the three year experiment to the other side of London Road, on a smaller area, leaving wider margins either side of the paths.**

8. **FINANCIAL STATEMENT No 2 2013/14**

The Treasurer submitted Financial Statement No 2 2013/14 showing total payments of £23,412.37 and receipts of £3,649.09. He pointed out that most of the maintenance work was done over the winter, so the budgets are still largely unspent.

**RESOLVED. To approve the statement.**

9. **BENCHES**

**RESOLVED. To adopt the benches policy with a minor wording change to avoid ambiguity.**

10. **FREE SCHOOL**

The Conservators made the point that no organisation should have formalised access to the Common to perform a regular function, so it cannot be used as a dedicated school sports ground. On the other hand, the schoolchildren have the right to free access.

**RESOLVED. To allow the school to take its pupils to the Common but not to enter into a formal agreement with them. The Warden to liaise with them over usage.**

11. **LINDEN PARK CRICKET CLUB**

The Warden reported that, now the club has gone up another league, they are required to cover their wicket for two days before each match and need a place to store the large covers. They had considered building a new enclosure, but are now making plans to store them in the existing nets.

12. **RUSTHALL CRICKET CLUB**

**RESOLVED. To continue to allow sponsorships signs to be displayed for the duration of the matches.**

13. **ANY OTHER BUSINESS**

a) **Kent Youth Services**

The Warden reported that Kent Youth Services ran two sessions on the Lower Cricket Ground during the summer offering informal sports and general support to disadvantaged youngsters. As these were very successful, they wish to continue running outreach sessions on Thursday evenings (and occasional Tuesdays) at Wellington Rocks, and near the Forum, as well as on the Lower Cricket Ground. They would do so in partnership with the Town Centre Police,

Health Education team, Sexual Health nurse, Kenward Trust, CXX/KCFN and local faith groups.

**RESOLVED.** To allow these sessions subject to the usual restrictions.  
**Warden to liaise with them about their plans, and ensure they do not take a vehicle onto the Lower Cricket Ground or any other part of the Common in wet weather.**

b) Civic Society

The Warden announced that the Civic Society are to make an award to the Conservators for the clearance on Tunbridge Wells Common last year.

**14. PLANNING APPLICATIONS**

There were no planning applications to consider.

The next meeting will be held at 2.00 p.m. on 12 December 2013 in Committee Room A.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 12 December 2013 at 2.00pm**

- PRESENT: Chris Jones (Chairman)  
Sarah Bird  
Neill Buchanan  
Mungo Chapman  
Cllr Barbara Cobbold  
Peter Freeman  
Ian Marshall  
Cllr Catherine Mayhew  
Corin Thoday  
Cllr Victor Webb
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)  
David Young (Sustrans)  
Bartholomew Wren (TWBC)

## **MINUTES**

### **1. CYCLEWAY**

David Young from Sustrans outlined the importance of linking Cycle Route 18 (Ashford to Tunbridge Wells) with Route 21 to Groombridge. An essential part of this is the restricted byway from Cabbage Stalk Lane to Major Yorks Road, now called Spa Valley Way. The final part of the route, linking Major Yorks Road with Route 18 on the other side of town, is yet to be decided.

The restricted byway, although now part of the route, is not fit for purpose as it is unsurfaced, and Mr Young presented a proposal for surfacing with tarmac to a width of three metres. This width is standard for such paths in order to prolong their lives. There would also be signs erected.

Conservators expressed concern both over the width and the finish of the proposed path. It was pointed out that the area already attracts illegal motorbikes, and a path this wide would worsen the problem, as well as encouraging speeding and inconsiderate riding on the part of cyclists. Mr Young said that they find promoting responsible use encourages good behaviour and they have very little trouble on their cycle paths. They have volunteer rangers patrolling the route.

The Warden pointed out that the proposed width is within the current footprint, so it would not be an encroachment on the Common. He expressed concern that, if the path remained unsurfaced, it would quickly become unusable, and cyclists would start going off the path and onto the Common, causing considerable damage.

Mr Young agreed that the path width might be reduced to two and a half metres, but this was the minimum that could be considered, and chippings or coloured dust could be rolled into the surface to colour it or tone it down. He did not think that any anti-speed measures could be incorporated, or that giving priority to pedestrians would work, although he will erect "Share with Care" notices.

**RESOLVED. David Young to produce a revised proposal for surfacing the path incorporating narrower width, better surface, and measures to control speeding; the Conservators to then hold a site meeting to consider it.**

2. **MINUTES**

The minutes of the meeting held on 19 September 2013 were considered, approved and signed by the Chairman as a true record.

3. **MATTERS ARISING**

a) Water Feature

Although, at their last meeting, the Conservators refused to give outline permission for a water feature in Brighton Lake, reserving their judgement for an actual proposal, a recent Town Forum meeting had given the impression that the Conservators had agreed in principle.

**RESOLVED. Clerk to write to the Water in the Wells Group to clarify that no permission has been given.**

b) Parking

A number of objections have been made to the proposed limited waiting time in Castle Road so the proposal will go back to the Joint Transportation Board in January. It is hoped they might agree to go ahead with the other parts of the proposal rather than starting the whole process again.

c) Kent Youth Services

The Warden confirmed that, although they sometimes have the van on the Commons roads, they have not asked for access to the Lower Cricket Pitch.

**4. MEMBERSHIP**

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

Tunbridge Wells Borough Council:

Cllr Barbara Cobbold	)	
Cllr Victor Webb	)	one year term ending
Cllr Chris Woodward	)	31 December 2014
Cllr James Scholes	)	

Freehold Tenants:

Mungo Chapman	)	
Peter Freeman	)	2nd year of three year term until
Ian Marshall	)	31 December 2015
Neil Buchanan	)	

Manor of Rusthall:

Sarah Bird	)	
Andrew Gower	)	1st year of three year term until
Chris Jones	)	31 December 2016
Nathan Dickinson	)	

It was noted that Cllr Mayhew was standing down next year, to be replaced by Cllr Chris Woodward. The Conservators thanked Cllr Mayhew for her contribution.

**5. DATES OF FUTURE MEETINGS 2014**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.00pm on the following dates:**

27 March 2014  
10 July 2014  
25 September 2014  
11 December 2014

**6. WARDEN'S REPORT**

As the recent weather has been favourable, all the planned routine work has been finished. The storm caused comparatively little damage.

The path to the Marlpit Ponds has been completed, two ponds have been cleaned out, and work is just starting on a new path on Rusthall Common and the clearance on Tunbridge Wells Common.

The wildflower areas have just come to the end of the first year of the three year experiment. The plugs appear to have taken well, and it is hoped that they will flower next year. Both sides of the road have been scarified and yellow rattle seeds planted. This is parasitic and weakens grass, allowing the wildflowers to take a better hold.

He was asked why a magnificent holly tree overlooking the Lower Cricket Pitch had been taken down, and stated that it was part of the clearance, and necessary to open up the desired view. It was also dying back and impeded access through the barrier. Several Conservators requested that good trees should not be removed unless necessary.

He confirmed that the areas of Himalayan Balsam would be removed as it is a notifiable invasive weed, but, as it is attractive and a good nectar source, some may be left though controlled.

He confirmed that he has sown the agreed areas on the triangles at Vale Road with poppy seeds, and has sufficient left for an additional sowing in the spring.

#### **7. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 3 2013/14 showing total payments of £30,868.54 and receipts of £66,714.92.

**RESOLVED – that the report be approved.**

#### **8. PROPOSED BUDGET AND PRECEPT 2014/15**

The Treasurer told the meeting that the Government has asked for a council tax freeze again this year. The CPI was 2.2% and the RPI was 2.6%.

Next year's budget is based on requirements, and the Warden is satisfied that the Commons can be managed on the budget set.

A provision has been made for a 2% increase in salaries, and the litter and grass cutting budgets are contractual. There is a small increase in the tree budget for inflation, and a larger one for maintenance of cleared areas as these areas grow.

No assumptions have been made about funding from other sources, and the expected planning contribution from the Kent and Sussex Hospital redevelopment has not been included, although it is possible payment will be made in the forthcoming year. It was recommended that the Council should be reminded of the sum due to the Conservators.

The formula allows for an increase of 3.6%, but it is recommended that the Conservators continue to set the level at what they need rather than the maximum entitlement. This year it is 2%.

The view was expressed that the reserves should be kept at the minimum possible and the rest spent on the Common, rather than allowing them to creep up. The Treasurer was asked to assign donations to specific projects rather than putting them into the general budget as they may remain unspent.

**RESOLVED – that the proposed budget for 2014/15 be approved.**

**RESOLVED – that a precept for 2014/15 of £133,170 be approved.**

**9. FREEHOLD TENANT PROJECTS**

The Chairman of the Freehold Tenants outlined the projects they were proposing to sponsor next year, both to be completed before the end of the winter.

a) Remove saplings and scrub between Royal Victoria Grove and the racecourse, giving a rare chance to open up the view across the Common towards the High Street. It would enhance the grove by defining it more clearly, as currently its impact is lost by the secondary growth that has grown up to its edges. It would also create an open area between two heather sites to aid the spread of reptiles and invertebrates.

b) Create a new path from Marlpit Ponds to Common View, completing the circular path. This would require the installation of culverts to drain the water flowing down the steep banks, which will direct the flow towards the dried up pond, which is one of the few locally to support a colony of Great Crested Newts. To successfully complete this will require the installation of some sort of liner at a later date, but there may be outside funding available.

**RESOLVED. To accept the Freehold Tenant projects with thanks.**

**10. COMMON VISION UPDATE**

John Barber reported that the educational element is running, and the two schools involved are half way through the curriculum. Committees are working on interpretation panels and walks, and he hopes to have detailed proposals to present to the March meeting.

**11. RUSTHALL CRICKET CLUB STORAGE**

The Warden reported that the club need storage space for their equipment as the rules of their new league require it to be removed from the clubhouse. They wish to site a large container in the scrub, with only the front doors visible.

The Conservators expressed opposition to allowing a permanent facility, and argued that the container would be very visible. They did, however, think that, if sited beside the clubhouse, blocking one set of doors, and adequately clad to blend in with the surroundings, it might be acceptable.

**RESOLVED. Warden to discuss ways of mitigating the impact with the club.**

**12. RUSTHALL WAR MEMORIAL**

The Warden reported that work had begun to clean and restore the memorial. The restorers appeared to be doing a good job, and were being careful of the Common.

**13. ANY OTHER BUSINESS**

a) Wildflower Meadows

Cllr Mayhew read an email from a resident of Inner London Road reiterating their objections to the experiment. The Conservators stated that they had reached the end of the first year of the three year project, and would review it in the autumn of 2015. Cllr Mayhew suggested that the residents might be invited to this meeting.

b) Noise

An email had been circulated from a resident of Inner London Road drawing attention to the problem of noise for the residents from some of the activities on the Lower Cricket Pitch. The Open Spaces Policy normally ensures that noise is kept to within acceptable limits, but it was acknowledged that the Hospice in the Weald 10K Run event had become very loud and the addition of drumming this year was unacceptable.

**RESOLVED. To write to Hospice in the Weald requesting that they remove drumming from their plans next year, and control their amplification.**

**14. PLANNING APPLICATIONS**

4 Upper Street, Rusthall – erection of conservatory. Stated that no materials to be placed on Common and no damage to be done.

63 London Road – renovation of basement. Stated that no materials to be placed on Common and no damage to be done.

Not commented on:

Pantiles Service Station – retrospective erection of fence.  
Merevale House – conversion of upper floors to residential  
84 London Road – change of use, new extension  
Satis, Mount Ephraim - extension

The next meeting will be held at **2.00 p.m. on 27 March 2014.**

## TUNBRIDGE WELLS COMMONS CONSERVATORS

### Minutes of a meeting held in Committee Room A on Thursday 27 March 2014 at 2.00pm

- PRESENT: Chris Jones (Outgoing Chairman)  
Ian Marshall (Incoming Chairman)  
Sarah Bird  
Mungo Chapman  
Cllr Barbara Cobbold  
Peter Freeman  
Cllr Victor Webb  
Cllr Chris Woodward  
Will Wright
- APOLOGIES: Cllr James Scholes  
Neill Buchanan  
Nathan Dickinson
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)  
David Young (Sustrans)  
Bartholomew Wren (TWBC)  
Colin Finch (KCC)  
Saul Fajerman (KHWP)

## MINUTES

### **1. APPOINTMENT OF CHAIRMAN**

In accordance with the third Schedule of the County of Kent Act 1981 it was noted that the Conservators are required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

**RESOLVED – That Ian Marshall, representative of the Freehold Tenants, be appointed as Chairman until the quarterly meeting of the Conservators in March 2015.**

The Chairman thanked Chris Jones for his excellent work as Chairman.

2. **MEMBERSHIP**

The Chairman welcomed Cllr Chris Woodward to his first meeting.

**RESOLVED. To formally appoint Corin Thoday, Ewen Cameron and Will Wright in place of Chris Jones, Sarah Bird and Andy Gower as Conservators representing Targetfollow .**

The Chairman welcomed Will Wright to the meeting.

He also thanked Chris Jones and Sarah Bird for their contributions as Conservators.

3. **MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 12 December 2013 were considered, approved and signed by the Chairman.

4. **MATTERS ARISING**

a) Correspondence

**RESOLVED. The office to email Conservators copies of all letters sent on their behalf.**

b) Parking in Castle Road

The Chairman told the meeting that he had spoken in favour of the new parking restrictions at the JTB meeting and all proposals had been passed. It is hoped they will be introduced in early May.

c) Notifiable invasive species

The Warden confirmed that the Himalayan Balsam on Tunbridge Wells Common and the Japanese Knotweed on Rusthall Common will be treated. However, they might need repeat treatment.

d) Maintenance costs

The Chairman reported that the Freehold Tenants wished to get an idea of the impact of the clearances and other projects on the maintenance budget. Accordingly, they have asked the office to record expenditure by compartment as well as by type of work in the forthcoming year. This knowledge should assist in producing an informed update of the Management Plan which will soon be necessary.

5. **CYCLEWAY**

The Chairman welcomed David Young from Sustrans, Colin Finch from KCC and Bartholomew Wren from TWBC to the meeting. He reported that, following a

revised proposal from David Young he had held discussions with Colin Finch over some of the issues, especially the importance of pinch points to prevent motor bike racing. KCC had agreed to incorporate two sets of Kent Carriage Gaps along the new track, in addition to both ends.

KCC agreed to send formal written confirmation that the path will be compliant with the specific legislation regarding the bye-laws regulating the Common, including the Natural Environment and Rural Communities Act 2006 and Countryside and Rights of Way Act 2000. The Conservators will also require confirmation that the proposals do not contravene any general planning and Commons/Village Green specific legislation.

It was also agreed that the path would be 2.5 metres wide, the surface would be dusted with a coloured finish, and safety barriers would be installed at the ends where busy footpaths cross the track.

The Clerk confirmed that, although the surfaced cycle track would be wider than the existing restricted byway, the Conservators were able to authorise encroachments on the basis that they benefit the Common.

Concern was expressed that there was nothing to prevent children from riding straight into Major Yorks Road, but Sustrans believe that ending the surfaced path 25 metres before the junction will deter this.

Chris Jones, representing Targetfollow, expressed concern that cyclists were effectively being directed across the car park. He agreed to investigate the possibility of cycle parking being provided, but stated that there could be no extension of the cycle path across the car park, nor any signage to encourage cyclists to go that way.

Colin Finch confirmed that KCC will be responsible for the ongoing maintenance.

**RESOLVED. To allow the cycle path to be surfaced as outlined in the last proposal with the addition of Kent Carriage Gaps. Further discussions to be held to finalise the details.**

*David Young, Colin Finch and Bartholomew Wren left at this point*

## **6. COMMON VISION UPDATE**

John Barber outlined the work that has been done on the Common Vision project and asked for agreement to the proposals.

He reported that they plan to hold two events for schools at the end of the summer to introduce teachers to the educational programme. Both teachers and PTAs in the 22 schools within one kilometre will be contacted. Funding is being sought for this.

Work has begun to design Interpretation Panels but further funding will be needed to before any panels can be made and installed.

The leaflets have been designed and, pending resolution of a few details, will be printed and distributed shortly. This aspect was partially funded by Cllr Scholes.

The online site is under development and will be available on both the Friends and the Conservators website. More funding will be required to complete the development.

**RESOLVED. To thank the Friends and KHWP for their hard work on progressing this project.**

The Chairman took the opportunity to discuss a linked initiative on the part of the Friends to put pressure on KCC to install pedestrian crossings over Major Yorks Road and Langton Road. This initiative has the support of a wide range of local business leaders and organisations including the leader of the Council, the Civic Society and Town Forum, Rusthall Parish Council and Village Association, and the church and primary school in Rusthall.

Targetfollow expressed their full support and agreed to be signatories. They are also keen to get another crossing over Eridge Road and will liaise with the Friends over their approach. The Conservators expressed their support for this additional crossing.

**RESOLVED. To add the Conservators as signatories to the Friends' initiative. The Conservators also to write separately to KCC in support of the proposals.**

*Saul Fajerman left at this point*

## **7. WARDEN'S REPORT**

The Warden reported that it had been a difficult winter because of the extreme weather. Despite this, he had managed to deal with all serious damage as well as complete all planned work. Some minor damage and clearance remains. Very little of the damage was significant, the notable exceptions being the mature beech that came down in Royal Victoria Grove and the lime from the adjacent line that was knocked down as it fell.

The two new paths in Rusthall have both been created, although the weather has meant that there is still some minor work to be finished. The clearances on Tunbridge Wells Common have also been completed and are ready for grading and seeding.

The extreme rainfall has meant a lot of work has been done on the drainage ditches, especially on Rusthall Common. He has therefore exceeded the drainage budget, which was already fully spent on the remedial work at Brighton Lake earlier in the year. He told the Conservators that, despite the overspend this year, he would also like to spend more than the budget allows next year to carry out work on Tunbridge Wells Common. Cllr Scholes has asked him to see if anything can be done to alleviate the flooding in the Pantiles and he believes a sump, installed next to Major Yorks Road many decades ago, could ease the situation if the accumulated silt is removed. He plans to do this work during the summer months.

With the new parking restrictions on the Commons roads due to be implemented shortly, he proposes to install posts where displaced commuters might try to park, primarily around the entrance to Nevill Park. This may take an extra £3,000.

**RESOLVED. To authorise the Warden to spend the necessary amount in improving drainage and protecting the Common against parking encroachments, even if this causes an overspend. The Conservators to consider raising the precept next year to cope with the extra costs.**

The Warden confirmed that sink holes were particularly likely to appear on the Common in extreme wet weather because the sandy soil was easily washed away by new springs.

The Warden was asked not to commence the grass cutting so early this year, as the ground was scalped during the first cut last year.

**8. FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2013/14 showing total payments of £51,899.42 and receipts of £109.65. Much of the tree work has been done in the last few weeks, so many invoices remain to be submitted. The Maintenance of Cleared Areas budget has been overspent, and the Treasurer agreed to email the reasons for this to the Conservators.

**RESOLVED – that the report be approved.**

**9. HOSPICE IN THE WEALD 10K RUN**

The Hospice have requested permission to start and finish their 10K run on the Lower Cricket Ground as usual. They have confirmed that there will be no drumming and amplification will be moderated. In other respects they intend to do the same as they have each year. It will be held on 14 September 2014.

**RESOLVED – to allow the run to take place on condition there is no drumming.**

**10. RUSTHALL FETE**

**RESOLVED. To allow notices to be placed along the verge of the A264 for the week preceding the fete.**

**11. LANGTON FETE**

**RESOLVED. To allow notices to be placed along the verge of the A264 for the week preceding the fete.**

## 12. ANY OTHER BUSINESS

### a) Tunbridge Wells Vision

The Clerk referred to the draft document produced by TWBC outlining their vision for the next five years in which they say that finding a solution to the traffic problems in London Road “could mean encroaching on green space in the future.” The Clerk has written to the Leader of the Council to point out the Conservators’ obligation to preserve the Common free from encroachment. He expressed the hope that the two bodies can work together to resolve their differences.

### b) Vale Royal Methodist Church

The Clerk indicated that he had been approached by the Church to confirm that the parking area in the front was not regarded as Common, and it would remain this way once the Church was sold. He submitted a draft reply to the Conservators before sending it to the Church as he is a member of the congregation, which is a potential conflict of interest.

**RESOLVED. To send a written reply confirming that this area is not Common.**

### c) Fir Tree car park

Chris Jones of Targetfollow informed the Conservators that they intend to install solar powered Pay and Display machines in the Fir Tree car park in order to begin charging as soon as possible. They will take responsibility for the maintenance of the car park. The attendant from the car park in Major Yorks Road will patrol and issue penalties where appropriate. The charging details have not yet been finalised, so he could not say whether the parents taking their children to nursery school will have a short period of grace.

The Conservators noted the intention but urged Targetfollow to adopt a policy which favoured users of the Commons and cricket club and which deterred commuters and other long term users.

### d) Major Yorks Road Car Park

Chris Jones of Targetfollow informed the meeting that they are to install a sign pointing to the entrance of the car park on the opposite side of the road.

### e) Rusthall Cricket Club Storage Container

The Warden reported that he had spoken to the cricket club, who are reluctant to site the container adjacent to the clubhouse as it will block an entrance wherever it is placed. The Warden believes it will be possible to find a position in the undergrowth where it will not be unduly noticeable. They are still fundraising, so it is unlikely that a decision will be required before the next Conservators’ meeting.

Targetfollow made the point that they will not allow a permanent structure, but are willing to discuss an annual licence with them.

**RESOLVED.** To hold a site meeting if it becomes necessary to make a decision before the July Conservators' meeting.

*Mungo Chapman left at this point*

f) Trough near Brighton Lake

John Barber informed the meeting that Tunbridge Wells Garden Centre might be prepared to take on the filling and maintenance of the trough, as previous plantings have failed due to lack of maintenance. They would wish to display a small sign advertising their involvement.

**RESOLVED.** To allow John Barber to make arrangements subject to the sponsorship sign being small and appropriate.

g) Rusthall Bonfire

**RESOLVED.** To grant permission for a bonfire on 25 October 2014 on a similar basis to 2013 and subject to the same terms and conditions.

h) No 1

**RESOLVED.** To allow a poster to be displayed on the Common to advertise the No 1 Summer Fair on 20 July 2013. The poster to be there no longer than one week.

13. PLANNING APPLICATIONS

Dingley Dell – erection of three detached houses in garden. Wrote to advise that the verge is all Common and must not be damaged during building works.

Applications received but not commented on:

The Forum – extension of permission for installation on roof to 3 years.  
Rusthall Fire Station – change of use

14. SALARIES

**RESOLVED** – to increase the salaries of the Warden and Support Officer by 2%, with effect from 1 April 2014.

The next meeting will be held at 2.00 p.m. on 10 July 2014.

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 10 July 2014 at 2.00pm**

- PRESENT: Ian Marshall (Chairman)  
Neill Buchanan  
Ewen Cameron  
Mungo Chapman  
Cllr Barbara Cobbold  
George Craig  
Nathan Dickinson  
Peter Freeman  
Cllr James Scholes  
Cllr Victor Webb  
Cllr Chris Woodward
- APOLOGIES: Corin Thoday
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)

## **MINUTES**

### **1. MEMBERSHIP**

**RESOLVED. To formally appoint George Craig in place of Will Wright as a Conservator representing Targetfollow.**

The Chairman welcomed George Craig to the meeting.

### **2. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 27 March 2014 were considered, approved and signed by the Chairman.

### **3. MATTERS ARISING**

#### **a) Parking**

The Chairman reported that the yellow lines have now been introduced in Castle Road and elsewhere, as agreed, and that the traffic flow has shown immediate

improvement. The Warden indicated his intention to start repairing the road edges as soon as possible. The only negative effect that has been observed is that cars are now parking in Major Yorks Road, very close to the exit from Nevill Park.

b) Invasive species

The Warden reported that the stand of Himalayan Balsam has been sprayed, and the remaining Japanese Knotweed at the end of Common View is due to be treated shortly.

c) Coding of invoices

It was confirmed that plans are in place to code all appropriate invoices by compartment and type of work to give a fuller picture of how the maintenance budget is spent.

d) Cycleway

There has been no work undertaken on resurfacing the cycleway, but there is a noticeable increase in cyclists using Hungershall Park. The Chairman asked Targetfollow to clarify whether cycle spaces were to be provided in Major Yorks car park. Targetfollow agreed to report back to the next meeting.

e) Pedestrian Crossings

John Barber reported that the campaign has collected more than 1000 signatures for the petition and it has the support of Greg Clark. It is to be discussed at the next Joint Transportation Board meeting.

f) Tunbridge Wells Vision

The Clerk reported that he has received a reply from the Leader of the Council about the possible road widening included in the Vision document, stating that there are no plans at present, and informal talks will be held with the Conservators if the need arises.

g) Fir Tree car park

Targetfollow reported that the pay and display machine has been removed and there are no plans to reinstate it.

The Clerk informed the meeting that, in view of the sensitivity of the matter, he had consulted lawyers with the Borough and County Councils as both Councils may have a statutory role. There was agreement that there were issues which may breach section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876. The Clerk also reported that there had been threats that, if the Conservators permitted such charging, it might result in Judicial Review proceedings.

h) Sign for Major Yorks car park

Targetfollow confirmed that they are in discussion with KCC over a sign on the verge opposite the entrance to the car park, and will be pursuing the planning process.

**4. WARDEN'S REPORT**

The Warden reported his concern about the wildflower areas. The poppy seeds at Vale Road have flowered and made a good show, and he will cultivate the circles and sow more poppy seed at the end of the season to ensure that they flower again next year and each year of the First World War commemorations.

However, the results of the new wildflower area above the coach park on London Road are not promising. The growth has proved very coarse, indicative of too many nutrients, and the Warden believes that the work to impoverish the soil will be very expensive. He therefore recommended that this area return to the normal mowing regime next year.

In the more established areas by Inner London Road he reported that the plug plants appear to have taken and much of the yellow rattle that was sown last autumn has germinated, but very little of it is flowering. The reason is unknown, although one expert has suggested that the soil may be too compacted. He therefore proposes to vigorously scarify the areas this autumn to try to improve the situation. Next summer will be the final year of the three year experiment.

He reported that the manhole cover missing at Nevill Park has not yet been replaced, but it should be the responsibility of Southern Water. In the meantime he has erected fencing around the manhole. Southern Water will be advised of the position.

Targetfollow reported that they are investigating the cause of the spring drying up in the Pantiles. The Warden confirmed that there appears to be water at the Cold Baths.

The Warden was asked to start the encroachment procedure to get the old picnic tables removed from the Common by the Mount Edgcumbe. The issue of cabling also needs to be pursued as it may be a health and safety hazard. John Barber offered to speak to the owners informally to see if agreement can be reached before formal steps are taken.

**5. FINANCIAL STATEMENT no 5 2013/14**

**RESOLVED. That the statement be approved.**

6. **ACCOUNTS AND BALANCE SHEET 2013/14**

As many of the invoices were not submitted by the end of the year they have been accrued. This takes into account the work that was completed before 31 March 2014 but where the invoices were paid in the current financial year.

The reserves are down slightly, and the Treasurer expressed his belief that they are at a prudent level and should not be deliberately reduced further.

There were minor underspends on administration and salaries due to lower than expected pension contributions. There were overspends on drainage and maintenance of cleared areas due to the bad weather which had been agreed previously by the Conservators.

The Freehold Tenants were thanked for their contributions which have enabled so many improvements to take place on the Commons, and the Warden agreed that, without these projects, the improvement of the Commons would be unable to move forward.

The Treasurer informed the meeting that the accounts had been audited and the controls found to be satisfactory.

**RESOLVED. To approve the accounts.**

7. **FINANCIAL STATEMENT no 1 2014/15**

**RESOLVED – that the statement be approved.**

8. **RUSTHALL CRICKET CLUB CONTAINER**

A site meeting was held with the Cricket Club and the position in which they proposed siting the container was satisfactorily screened from the road. The Chairman therefore recommended that the Conservators approve the request.

Targetfollow stated that they were negotiating a licence with the club.

**RESOLVED – to allow the container to be placed where proposed.**

9. **COMMON VISION**

John Barber distributed copies of the two completed leaflets, each containing maps and suggested walks, and the meeting expressed their gratitude for the excellent work. The leaflets are also downloadable from the Conservators' and Friends websites.

The next project is the interpretation panels. The design work has been done but the money needs to be raised before production can begin. It is intended that all the existing panels will be replaced with three extra ones.

The educational element has been very well received by the two pilot schools, with St Pauls trying to get their own funding to continue.

10. **PUBLIC ART ON THE COMMON**

The principle of allowing public art on the Common was discussed. Most Conservators felt the Commons are inappropriate venues as they are natural open spaces, not parks, and security would be a constant problem. Fallen trees should, however, be utilised, possibly as seats.

**RESOLVED – to reject future proposals for public art on the Common.**

11. **ON STREET PARKING**

Targetfollow wished to clarify the Conservators' position on street parking, but it was agreed that the results of the recent changes to the parking regulations need to be determined first.

12. **LICENCES FOR COMMERCIAL ACTIVITIES**

Targetfollow expressed their belief that fitness classes and other commercial organisations should be required to pay for licences in order to conduct their business on the Commons.

The Clerk stated that the public have a right to freely use the Common for exercise whether or not they are paying someone to lead them. Whether the trainers have the same rights is a grey issue.

Currently the Conservators require proof of Public Liability Insurance and risk assessments before giving permission, and the classes make donations towards the upkeep of the Commons.

It was pointed out that granting a licence could be seen as permission to occupy a space, which is illegal. It could also lead to issues such as potential liability.

It was unresolved whether the Conservators, as managers of the Common, should grant any licences, or whether Targetfollow could do so. Targetfollow stated that one third of the income from the Common goes to the Conservators, but the Freehold Tenants pointed out that this income belongs to them and they have no obligation to spend it on the Common.

13. **ANY OTHER BUSINESS**

a) **Helicopter landings**

A request has been received to allow a helicopter to land on the Lower Cricket Pitch to enable the pilot to open an art exhibition being held by a disabled man. The disabled artist would not be involved in the helicopter landing.

**RESOLVED. Not to allow helicopters, other than the air ambulance, to land on the Common on this or any other occasion.**

b) Right to Bid

The Friends application to have the two Commons listed as community assets has been accepted by TWBC, which means that they have secured a right to bid in the event of the owners, Targetfollow, putting up the Commons for sale any time in the 5 years after the listing.

Targetfollow have subsequently registered their intention to sell the Commons, giving a six week period for the Friends to say whether or not they want to make a bid and, if so, then a 6 month moratorium from the date of advice of intention to sell given to TWBC would apply for the Friends to make the bid and in which period Targetfollow cannot sell to any other party.

Targetfollow stated that they have no present intention to sell the Commons, but have registered their intention on legal advice as the best way to protect the value of their asset, which is devalued by the Friends' right to bid presence. They had considered appealing against the listing but concluded that a better way to free themselves from the inhibition of the right to bid was to proceed as if they were selling the Commons.

Cllr Scholes asked them to confirm that they have no intention of selling the Commons, even though they have advised TWBC of this intention, and George Craig, for Targetfollow, confirmed that this is the case. Cllr Scholes asked why they did not wait until they intended to sell, and George Craig repeated that they were protecting the value of the asset. Targetfollow said that they, as property owners, are always prepared to consider the sale of properties but in this case significant value would be attached to this asset.

Targetfollow confirmed that it is their intention to use up the six month moratorium, and at the end of it they will not sell the Commons unless a very substantial bid is received. Any sale would include the whole of the Commons, including the car park.

John Barber, for the Friends, said that in due course he would welcome a meeting with Targetfollow to discuss the situation.

The next meeting will be held at **2.00 p.m. on 25 September 2014.**

**TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Minutes of a meeting held in Committee Room A on Thursday 25 September 2014 at  
2.00pm**

PRESENT: Ian Marshall (Chairman)  
Neill Buchanan  
Ewen Cameron  
Mungo Chapman  
Cllr Barbara Cobbold  
Nathan Dickinson  
Cllr James Scholes  
Corin Thoday

APOLOGIES: George Craig  
Peter Freeman  
Cllr Victor Webb  
Cllr Chris Woodward

ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)  
Maria Simmons

**MINUTES**

**1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 10 July 2014 were considered, approved and signed by the Chairman.

**2. MATTERS ARISING**

a) Road edges

The Warden confirmed that work to repair the road edges where yellow lines have been introduced will commence in the next two weeks.

b) Cycleway

Targetfollow reported that the managers of the Major Yorks car park are considering working with Securebike to install a cycle shelter, but no decision will be taken until the cycleway is surfaced.

c) Pedestrian crossings

John Barber reported that the petition had been warmly received at the July meeting of the Joint Transportation Board (combined TWBC/KCC), and that KCC are preparing a funding bid to mount a study into the design and costing works. However, although it is believed to be in the top half of the priorities list, this does not guarantee that funding will be available. Greg Clark MP is being hugely supportive. KCC Councillors James Scholes (Major York's Road) and John Davies (Langton Road) are the people best placed to secure the position of the work in the priorities list.

d) Sign for Major Yorks car park

Targetfollow confirmed that a proposal was being prepared but has not yet been submitted to the planning department.

e) Manhole cover

The Warden confirmed that the missing cover has been replaced by Southern Water.

f) The Mount Edgcumbe

The Chairman reported that the hotel has advised that the exposed cable has now been buried and the office is writing to ask for confirmation that it has been done in accordance with regulations.

g) Rusthail Cricket Club

The site has been prepared and the container will be installed shortly.

h) Licences for fitness groups

The Clerk reported that he can see no basis on which the Conservators could issue licences for activities that are specifically permitted under the Act. Currently classes are asked to provide proof of insurance and for voluntary contributions to cover the wear and tear they have caused.

Targetfollow suggested that, while the Act may specifically permit individuals to exercise on the Common, running a business there is not a right. They want a mechanism for issuing licences to fitness classes in much the same way as wayleaves are granted. The Clerk pointed out that the activities of people who have a right to be there cannot be treated in the same way as wayleaves.

Concern was expressed that if licences are issued by Targetfollow, the income will go to them and the Conservators will not have any contribution towards

repairing the damage caused. The view was expressed that any income from the licence ought to go to the Conservators for maintenance.

It was also pointed out that British Military Fitness, by far the biggest group, use the pavements around the Common as often as they use the Common itself.

Targetfollow suggested that a way could be found to provide an income stream to both the Conservators and Targetfollow.

**RESOLVED. George Craig to conduct further discussions with the Conservators.**

i) Right to Bid

Targetfollow cancelled the planned meeting with the Friends, so the Friends have been unable to get any indication of the price expected.

3. **WARDEN'S REPORT**

The Warden reported that the bulk of the clearance work with the collector flail has been done, and the good weather has enabled good progress in the scheduled work.

The yellow lines have made a big difference to the Common and do not appear to have resulted in commuters using Fir Tree car park. The surface of the car park has now been patched.

The main impact on the Common was the recent incursion of the travellers at the Bumps, but excellent co-operation from all the authorities reduced the impact considerably. The police were extremely proactive and moved the travellers on within three days; the Clerk has written to Inspector Holway to thank him. TWBC helped with the cleanup and removed three lorry loads of rubbish, while KCC waived the tipping costs.

He was asked about the leak in Bracken Cottage Pond, and said it would be repaired in the next few weeks.

4. **FINANCIAL STATEMENT no 2 2014/15**

**RESOLVED – that the statement be approved.**

5. **TRAVELLERS**

The recent incursion by travellers has shown a need for a review of procedure. The police were very helpful and proactive on this occasion, but the Conservators cannot necessarily rely on the police to resolve every situation.

The use of tree trunks and posts has kept many areas safe, but the Warden explained that it was not possible to completely prevent vehicles from entering parts of the Commons without excluding the machinery needed for maintenance.

A draft checklist was circulated. The Conservators asked the office to address the question of notification and to make clear that any action would be on the basis of broken bye-laws. Mrs Blackburn requested that a copy of the finalised procedure should be sent to the Rusthall Parish Council office.

**RESOLVED. To adopt the checklist with the amendments noted.**

The Clerk told Targetfollow that, if the police cannot remove the travellers immediately on the basis of broken bye-laws, it may be necessary for the Conservators to take civil action against them but, under County Court rules, action has to be taken in the name of the freeholder. On a previous occasion the Manor used their own solicitors to start the action, while the Conservators met the costs.

Targetfollow agreed that they would be prepared to take action as a last resort, but would wish to see all other potential remedies used first, such as pressing KCC to enforce the bye-laws.

6. **COMMON VISION**

John Barber gave a brief update on the project. He is currently seeking sponsorship for the information panels, and the project group will commence design work when the funding is in place. All the existing panels will be replaced if funding is sufficient. Targetfollow indicated that they would be happy to see a panel installed on the Pantiles if all the relevant permissions can be obtained.

On the educational side, a recent event on Rusthall Common had a good turnout, and the Head of Broadwater Down Primary School specifically noted how important the educational programme has been for the school.

7. **ANY OTHER BUSINESS**

a) **Bye-law signs**

The Warden agreed that the bye-law signs need replacing, and it is in the work schedule for this winter.

b) **Drainage in Rusthall**

The Warden reported that KCC has dealt with the long standing drainage problem at the junction of Rusthall Road and Lower Green Road by directing the water onto the Common, causing the grass cutting machinery to sink in the resulting mud. KCC have agreed to return in the next two weeks to address the problem, which may mean directing the water into the drainage ditch by Common View.

c) **Rusthall Bonfire**

The Warden noted that he had given permission to the Bonfire Committee to put out signs on the verges in the week preceding the bonfire.

8. **PLANNING APPLICATIONS**

11 London Road – erection of 9 residential units. Wrote to advise that materials must not be stored on the Common or construction vehicles allowed to encroach.

Bulls Hollow – two storey rear extension. Wrote to advise that materials must not be stored on the Common or construction vehicles allowed to encroach.

Applications received but not commented on:

25 Common View – rear extension

Sandrine's Pilates Studio – retrospective for signs

The next meeting will be held at **2.00 p.m. on 11 December 2014.**

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held in Committee Room A on Thursday 11 December 2014 at 2.00pm**

- PRESENT: Ian Marshall (Chairman)  
Neill Buchanan  
Ewen Cameron  
Mungo Chapman  
Cllr Barbara Cobbold  
George Craig  
Peter Freeman  
Cllr James Scholes  
Corin Thoday  
Cllr Chris Woodward
- APOLOGIES: Nathan Dickinson  
Cllr Victor Webb
- ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
John Barber (Friends of Tunbridge Wells and Rusthall Common)

## **MINUTES**

### **1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 25 September 2014 were considered, approved and signed by the Chairman.

### **2. MATTERS ARISING**

#### **a) Road edges**

The Warden confirmed that the new parking restrictions have improved the situation on all the roads involved enabling the road edges to be repaired. They have already been overrun, though, so bollards or other deterrents will be required at certain points.

#### **b) Pedestrian crossings**

John Barber expressed his concern that the issue, as demonstrated at the October JTB meeting, is capable of being overlooked both by the JTB and by KCC unless it can be kept at the top of the agenda. The funding allocation decision will be made by KCC in February 2015 according to perceived relative

priorities. Cllr James Scholes offered to look at the costs of funding a feasibility study.

**RESOLVED. The Conservators to write again in support of the proposals.**

c) The Mount Edgcumbe

No assurance has been received that the cable has been properly and safely buried despite repeated letters from the Warden and office. John Barber offered to speak to them to try to resolve the situation.

**RESOLVED. If it becomes necessary, the Clerk to write on behalf of the Conservators stating the legal position.**

d) Rusthall Cricket Club

The Warden confirmed that the container has not yet been put into position.

e) Procedure for dealing with travellers

This has been sent to all concerned parties.

f) Drainage at Rusthall

The Warden confirmed that KCC has completed the drainage work and, as far as he can tell, it has been effective. He will continue to monitor the situation. He also confirmed that the sump near Major Yorks Road has been cleared together with the interceptor drains, but that the storm drains are blocked in the road. This has been reported by phone but no incident number has been issued.

**RESOLVED. To report the issue again as soon as possible and track the response.**

### 3. MEMBERSHIP

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

#### Tunbridge Wells Borough Council

Councillor Barbara Cobbold	)	
Councillor James Scholes	)	one year term ending
Councillor Victor Webb	)	31 December 2015
Councillor Chris Woodward	)	

#### Freehold Tenants

Neill Buchanan	)	
Mungo Chapman	)	3rd year of three year term until
Peter Freeman	)	31 December 2015
Ian Marshall	)	

Manor of Rusthall

Ewen Cameron	)	
George Craig	)	2nd year of three year term until
Nathan Dickinson	)	31 December 2016
Corin Thoday	)	

4. **DATES FOR FUTURE MEETINGS**

**RESOLVED – That the meetings of the Commons Conservators be held at 2.00pm on the following dates:**

12 March 2015 (not 26 March as in agenda)  
25 June 2015  
24 September 2015  
3 December 2015

5. **WARDEN'S REPORT**

The Warden reported that the year's work was complete thanks to the dry summer. He was also able to complete the final stages of some of last year's Freehold Tenants' projects that had been held over from the winter due to the rain.

The volunteers have recently coppiced heather from the Common to spread on the new clearance at Royal Victoria Grove. This was something of a landmark as, in previous years, coppiced heather has been brought in from the Ashdown Forest and Cinder Hill. Now, however, there is sufficient heather regeneration on the Common to provide the heather for this purpose.

He reported that he is now starting on the winter schedule of remedial tree work.

The Conservators expressed concern at the scale of problems caused by cars parked on verges in roads all over the Common, particularly at the entrance to Nevill Park. The Warden agreed that the budget for posts was likely to prove inadequate over the next few years. Cllr James Scholes offered to see if he had sufficient funding to assist with the protection of the entrance to Nevill Park, especially if the residents can make a contribution.

6. **FINANCIAL STATEMENT to November 2014**

**RESOLVED – that the statement be approved.**

7. **BUDGET AND PRECEPT**

The Treasurer outlined the financial pressures on public bodies and the need to keep costs down, but pointed out that the Conservators have kept their precept at the very minimum over the last few years.

His draft budget for 2015/16 acknowledged the number of unknown elements, including salaries, and the cost of the new contracts for grass cutting and litter picking. He has therefore increased the contingency to allow for these increased costs. Although recent work to make the Common more easily manageable has reduced pressure on the tree work and maintenance of cleared areas budgets, the pressures now come from the need to protect the road edges and upgrade the drainage, which has been neglected for many years.

The budget includes the expected £18,000 s106 payment in respect of the development at the old hospital site but this has been set aside to be spent in future years. It was noted that future mitigation payments will need to be spent close to the development

He pointed out that the reserves were at the lower end of the range that he considers prudent, £25,000 – £30,000, and an unexpected tree emergency could quickly use this up.

Accordingly he proposed that the precept should be increased to £143,000, an increase of 7.4%. This would equate to an average annual increase over a six year period of 2.35%.

**RESOLVED – that the proposed budget for 2015/16 be approved.**

**RESOLVED – that a precept for 2015/16 of £143,000 be approved.**

8. **GRASSCUTTING CONTRACT**

The three year contract expires at the end of this financial year, but it contained a provision to negotiate a two year extension. The Warden stated that Bridgland do a good job as they know the Common well, offer a very good price, and they are easy to deal with.

**RESOLVED. To delegate responsibility to the Warden and Treasurer to negotiate an extension to the contract, with a cap on any increase to be the rate of CPI as at September 2014.**

9. **LITTER CONTRACT**

The three year contract expires at the end of this financial year with no option to extend. However, there was agreement that Brian Godley, working as Oakbourne, does a very good job and is conscientious, which previous litter pickers were not. He is not VAT registered, which keeps the cost down, and he also does other work on the Commons, including emergency tree work, at a good rate with no call out charges. It was noted that the planned increase in the number of litter bins and dog bag dispensers will increase the size of the job.

**RESOLVED. To delegate responsibility to the Warden and Treasurer to negotiate a new three year contract based on the current terms, with a cap on any increase to be the rate of CPI as at September 2014. There was also agreement to increase the payment when the new bins and dispensers are in place.**

10. **PROPOSAL FOR S106 MONEY**

It is expected that the contribution of £18,000 will be paid in the latter half of 2015, and the Conservators need to submit a proposal for spending it. It has been confirmed that the money is intended for "the improvement or maintenance of the Commons in the vicinity of the development" which would exclude any expenditure on Rusthall Common. The Warden plans to submit a proposal to install a number of new litter bins and dog bag dispensers, as well as posts to protect the verges. It was suggested that new benches at the top end of the Common should also be considered.

11. **FREEHOLD TENANT PROJECTS**

The Freehold Tenants submitted a proposal to fund two projects this year. One is for a wetland site at the side of Lower Green Road where there was once a pond. Past drainage changes have meant that a pond can no longer be supported, although the area can still get very wet and could become a successful wetland which would provide a variety of new habitats. It would also help to alleviate the flooding experienced by nearby houses. It was suggested that the nearby nursery school should be informed for safety reasons.

The second project is to continue the clearance behind Fir Tree car park at the hibernaculum, which would make the area safer as well as enhancing it.

**RESOLVED. To accept the Freehold Tenant projects with thanks.**

12. **ANY OTHER BUSINESS**

a) Beacon Hotel

This has recently changed hands and the new owner is intending to create an upmarket bar and restaurant with accommodation. He has already opened up the view, and is likely to be interested in opening the access from the Common to the Victorian baths.

b) Harmony Street

The Warden reported that no grass has grown through the mesh placed along the edge of the pavement because of the constant parking, and the soil was becoming depleted, exposing the mesh which was becoming a trip hazard. He proposed laying tarmac over the whole area.

**RESOLVED. The Warden to obtain quotes for the work.**

c) Pantiles car park

Targetfollow have submitted a planning application for low level lighting bollards in the car park. It was pointed out that no lighting can be installed without the permission of the Conservators regardless of whether planning permission has been granted.

**RESOLVED. To delegate the decision to the Committee who may hold a site meeting.**

**13. PLANNING APPLICATIONS**

Pantiles Car Park – bollard lighting beside path from Swan Garage to car park and at kiosk. No response sent yet.

6a Apsley Street, Rusthall – first floor side extension and alterations. Advised that no materials to be stored on Common or vehicles to drive on it.

Bredbury House, 77 Mount Ephraim – Detached two storey dwelling in grounds. No comment.

Approved:

11 London Road – erection of 9 residential units.

Appealed:

Dingley Dell – proposal to erect three dwellings to rear of property. Permission refused by Council.

The next meeting will be held at **2.00 p.m. on 12 March 2015.**