

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in Committee Room A on Thursday 12 March 2015 at 2.00pm

- PRESENT: Ian Marshall (Outgoing Chairman)
Cllr Barbara Cobbold (Incoming Chairman)
Mungo Chapman
George Craig
Peter Freeman
Nick Hill
Cllr James Scholes
Corin Thoday
Cllr Victor Webb
Cllr Chris Woodward
- APOLOGIES: Ewen Cameron
Paul Burnett
- 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: Alastair Tod (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 are required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

RESOLVED. That Councillor Barbara Cobbold, representative of the Borough Council, be appointed as Chairman until the quarterly meeting of the Conservators in March 2016.

The Chairman thanked Ian Marshall for doing such a good job as last year's Chairman.

2. **MEMBERSHIP.**

RESOLVED. To formally appoint Nick Hill in place of Neill Buchanan as a Conservator representing the Freehold Tenants and Paul Burnett in place of Nathan Dickinson as a Conservator representing Targetfollow.

The Chairman welcomed Nick Hill back as a Conservator after a break of several years. Paul Burnett sent his apologies.

The Chairman also thanked Neill Buchanan for his contribution as Conservator.

Cllr Webb told the meeting that he would be standing down as Conservator after the election on 7 May as he would no longer be a Councillor. He commended the Warden for his work and the Freehold Tenants for their contribution.

Corin Thoday and George Craig arrived at this point.

3. **MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 11 December 2014 were considered, approved and signed by the Chairman.

4. **MATTERS ARISING**

a) **Mount Edgcumbe**

It was reported that the owners have sent a written assurance that the cable laying conforms to current Health and Safety advice. The Clerk thanked John Barber for his assistance in getting the required assurance.

b) **Pedestrian Crossings**

It was confirmed that the Clerk sent the JTB a further letter of support for the crossings. John Barber advised the meeting that the budget for a feasibility study had still not been approved and that KCC appear to have changed their process. However, he is still actively pursuing the matter.

c) **Lighting in Pantiles Car Park**

Targetfollow confirmed that the lighting will be in place before next winter.

d) **Rusthall Cricket Club**

The container is still not in position due to the ground being too soft for the delivery lorry.

e) Harmony Street

The Warden has received a quote of £4,670 + VAT for laying tarmac over the protective mesh, which is now lifting, at Toad Rocks. The pavement edge that meets the mesh is now crumbling, increasing the quantity of tarmac needed. It was pointed out that Highways are responsible for the pavement.

RESOLVED. To pin the mesh down where it is lifting, and continue to pin whenever necessary. No more money to be spent on trying to resolve the problem.

5. **WARDEN'S REPORT**

The Warden reported that it had been a quiet winter so he has been able to complete all the planned roadside work. The Freehold Tenant project to clear the area behind Fir Tree car park has been completed and seeded. The Sunnyside Road project has not yet been started as the ground is too wet.

As there were fewer emergency tree works, he has been able to clear some damaged, self-sown oaks near the path from the Pantiles to Wellington Rocks, as well as create another new glade below Royal Victoria Grove.

He is now planning to spend the last of this year's tree budget on pushing back the trees along Tea Garden Lane. The resulting trunks will be used to protect the road edges where they are being eroded by parked cars. There should also be some spare tree trunks that can be used on the edges of Castle Road.

He confirmed that he is planning to repair the very bad ruts near Brighton Lake where heavy lorries overrun the road edge, but conceded that the problem will simply continue. Wooden bollards will not be strong enough to protect the edge, but one solution might be to use as a barrier the old scaffolding that was abandoned many years ago on the Common between Sainsburys roundabout and the petrol station.

6. **FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2014/15 showing total payments of £33,479.79 and receipts of £1,501.58. Much of the tree work has been done in the last few weeks, so many invoices remain to be submitted.

RESOLVED. To approve the report.

7. **MANAGEMENT PLAN**

The Warden pointed out that the ten year Management Plan, drawn up in 2005, was now expiring. Although he is still following the recommendations laid out in the plan, the future direction of the Commons should be considered.

The Freehold Tenants advised the meeting that they are working on a plan to serve as a starting point in future Conservators' discussions and hope to have this ready to

present later in the year. They do not believe that any outside input will be required this time.

The Warden agreed that a full management plan, drawn up by an outside body such as Kent Wildlife Trust – who prepared both the previous plans – is not required, but thought that some external input on ecological issues might be useful. It was suggested that Kent High Weald Project might be able to give an overview as they have been closely involved in the Common in recent years.

8. CIVIC SOCIETY MEETING

The Clerk advised that he had not attended the recent Civic Society meeting to consider the future ownership of the Commons as he felt, as an officer, that he should remain neutral.

The Chairman asked a Conservator from each of the three Conservator bodies, each of whom had been on the panel, to outline the meeting.

Ian Marshall informed the meeting that the Freehold Tenants have spent £132,000 over the last six years on projects to improve the Commons, but their ability to continue funding improvements was being impaired by the dramatic fall in their share of the income from Targetfollow. They feel that the Commons should be owned by a charitable body, not a commercial one, which would ensure all the income arising from the Commons was re-invested in them.

Cllr Scholes advised that the Commons are seen as vitally important to the town, and people are therefore very concerned about its future. He thought it had been an exceptionally difficult meeting for Targetfollow as the mood of the attendees was overwhelmingly in favour of taking the Commons out of commercial hands.

Corin Thoday, for Targetfollow, expressed gratitude that he had been given the opportunity to explain how the Commons' ownership and management works, and had made the point that their intention is certainly not to pillage or to go against the ethos of the Commons. He offered to allow the Conservators to audit the car park accounts to assure themselves that the Freehold Tenants are receiving all the income to which they are entitled.

John Barber referred to an earlier meeting with the head of Targetfollow, and reported that the company has given an undertaking not to sell off small portions of the Commons. He asked if the attitude of Targetfollow has changed now they have seen the level of community engagement, and whether they will now do more to invest in the Commons.

Corin Thoday conceded that Targetfollow could do more, and undertook to engage more on the issues.

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

The Hospice is to hold the afternoon activities as a separate event elsewhere this year. The Common will therefore be used only for the start and finish of the run.

RESOLVED. To allow the run to take place on the same terms and conditions as in previous years.

10. **SIGNS ON VERGES**

RESOLVED. To allow notices to be placed along the verge of the A264 for the week preceding Langton Fete, and the week preceding Rusthall Fete. Also to allow a notice to be placed on the Common by Brighton Lake advertising No1 Fun Day.

11. **ANY OTHER BUSINESS**

a) Accommodation

The Clerk reported that the Borough Council is looking into the possibility of selling Calverley Terrace, but is committed to providing alternative accommodation for the Conservators' office in this event.

b) Duckingham Palace, Brighton Lake

Following a report in the Courier, the Warden confirmed that the house needs repairing or replacing, but there is no current plan or funding.

12. **PLANNING APPLICATIONS**

Swan Garage – change of use from garage to workshop, complete renovation and new signage. No comment

12-16 London Road – change of use from car showroom to furniture showroom and new signage. No comment.

Beacon Hotel – new vestibule. No comment on plans but pointed out that the parking area at north side is Common.

13. **SALARIES**

RESOLVED – to increase the salaries of the Warden and Support Officer by 1.5%, with effect from 1 April 2015.

The next meeting will be held at 2.00 on **25 June 2015.**

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in the Council Chamber on Thursday 25 June 2015 at 2.00pm

- PRESENT: Cllr Barbara Cobbold (Chairman)
Cllr Ronen Basu
Paul Burnett
Mungo Chapman
George Craig
Peter Freeman
Ian Marshall
Cllr James Scholes
Clare Sinha
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)
- OBSERVING: Maria Simmons

MINUTES

1. MEMBERSHIP

RESOLVED. To formally appoint Cllr Ronen Basu in place of Victor Webb as a Conservator representing the Borough Council, and Clare Sinha in place of Nick Hill as a Conservator representing the Freehold Tenants.

The Chairman welcomed Ronen Basu and Clare Sinha to the meeting, and also welcomed Paul Burnett who was attending his first meeting since his appointment.

2. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 12 March 2015 were considered, approved and signed by the Chairman.

3. **MATTERS ARISING**

a) **Pedestrian Crossings**

John Barber informed the meeting that two crossing schemes - road widening on Langton Road with a pedestrian refuge in the middle, and a zebra crossing on Major Yorks Road - are on the priority list. They are due to be scrutinised before the end of June. The initial feasibility study has suggested that both crossing points are desirable although there may be land and delivery issues. Mr Barbour intends to press for the decision if he is not informed by the end of June

b) **Rusthall Cricket Club**

The Warden reported that the container had received temporary planning permission and should be installed shortly.

c) **Targetfollow engagement**

Targetfollow confirmed that, although no firm plans are in place, they are working on ways to engage more with the Commons.

4. **WARDEN'S REPORT**

The Warden reported that fine weather had enabled him to complete all planned work in the last quarter. In addition he had to deal with unexpectedly high concentrations of blanket weed in Brighton Lake.

His report referred to his concern about the wildflower areas, and recommendation to discontinue the experiment on Inner London Road. However, in the two weeks since the writing of the report, the area had started to show promise with the flowering of a number of species, especially yellow rattle. This is especially encouraging as it is parasitic on grass and weakens it which allows the wild flowers to flourish.

He believes the main problem is that the meadow area is confined to the trees, and the volume of fallen leaves each autumn keeps nutrient levels too high. In order to reduce the fertility and encourage the flowers, the leaves should be removed in the autumn. The simplest way to achieve this would be to hire a machine to pick them up. The machine would also scarify and remove the arisings thus further encouraging the wildflowers. As it would also require the use of a tractor to move it, a backup vehicle to load the leaves into, and two operatives, a single day's work would cost in the region of £500.

Concern was raised at the high cost and it was suggested that volunteers could do the work. The Warden agreed to investigate although previous experience showed that this was inefficient, and he would still need to pay someone to remove the leaves.

Although there was support for continuing the experiment for one more year, it was agreed that support could not be indefinite.

RESOLVED. To consider the options at the next meeting once the Warden has checked on the availability of volunteers and obtained firmer figures.

5. FINANCIAL STATEMENT no 5 2014/15

RESOLVED. That the statement be approved.

6. UNAUDITED ACCOUNTS AND BALANCE SHEET 2014/15

The treasurer drew attention to the fact that there was a small overspend on some areas of maintenance, most obviously maintenance of cleared areas. There is no one cause for this, although some unexpected work has taken place to add value to Freehold Tenant projects. The result of the overspend is that the reserves have dropped to a little under £22,000, whereas the recommended range for the reserves is £25,000 - £30,000.

RESOLVED. To approve the accounts.

7. FINANCIAL STATEMENT no 1 2015/16

RESOLVED. That the statement be approved.

8. UNION SQUARE

The Clerk explained that the owner of Union Square, Dandara, is redeveloping the site and want to rectify what they believe was an error in the original registration. They also wish to deal with an anomaly over the boundary of the Common and effect a land swap.

The ramp to their car park is registered as Common, and they wish to have this deregistered in exchange for another piece of land that will be registered instead. They have identified an area at the entrance to Park View House on Hungershall Park. They have accordingly applied to the Planning Inspectorate. Representations to the Planning Inspectorate need to be submitted by 17 July 2015.

Dandara has taken legal advice which the Clerk believes to be sound. However, under the County of Kent Act 1981 the Conservators are only responsible for the Common as it is and have no explicit power to expand it. Technically any new piece of Common would not be under the jurisdiction of the Conservators even if it is registered as Town and Village Green. The Conservators can take on the responsibility if they wish, but the area of ramp they will be giving up has no management liability whereas the new area will have.

The area of land in question has a stand of mature trees that will undoubtedly require attention in the future. Consequently it was agreed that Dandara should be asked to maintain this area or give the Conservators money for maintenance. If this is done, the Clerk saw no reason why the Conservators should not de facto thereafter maintain the area.

On the question of liability, the Clerk advised that the Conservators are not obliged to accept responsibility. Dandara will be the owners of the new piece of Common and will therefore be obliged to maintain it.

RESOLVED. The Conservators will not dispute the error in registration. The Clerk to write to the Planning Inspectorate accordingly.

RESOLVED. The Clerk to write to the Planning Inspectorate indicating that the Conservators would not object to the application for a land swap in principle providing adequate arrangements are made for the maintenance of the replacement land.

RESOLVED. The Clerk to meet Dandara and put the results of such a meeting to the Conservators.

9. CYCLEWAYS

The Council have drafted a cycling strategy for the Borough which they are presenting to the JTB on 20 July 2015. The strategy will then be put out for consultation, and the Conservators will have a chance to give their views, possibly in a separate meeting.

10. BULLS HOLLOW

The Warden has received representations from neighbours expressing concern over the dumping of building materials on the Common while an extension is built. Although most of the aggregate has now been moved from the roadside there are still materials dumped on the Common closer to the house, and hardstanding has been laid as a parking and turning area. However, the owner has undertaken to restore all the damage caused by the building work once it has finished.

Of more long term concern is the fact that the householder has placed several permanent structures on the Common, including a garden shed with base, a chicken run, a patio and a log store, without permission. He has also made the whole of the cleared area around the house appear to be private garden even though it is Common.

Targetfollow granted a licence to the previous owner to maintain the area, but it specifically excluded putting any structures on the Common. There has been no licence granted to the present owner but there was an understanding that the terms of the licence applied.

RESOLVED. Targetfollow and the Clerk to write a joint letter requiring the householder to remove all the unauthorised structures within two months.

11. OFFICE AND PARKING

The Clerk told the meeting that the office would be moving to the Town Hall and there was now only one staff parking space available. He expressed disappointment that the parking arrangement was changed without consultation or even communication.

RESOLVED. The Conservators to pay for parking on the occasions where it is necessary for both the Warden and Administrator to park simultaneously.

12. SIGNS FOR PANTILES EVENTS

It had previously been agreed that signs could be put on the Common for one week to advertise events in the Pantiles, but the events have become more numerous and the signs not always removed, which has resulted in verges being covered in signs for much of the summer.

The Conservators agreed that events on the Pantiles should be encouraged, although there should be a strict time limit on the display of signs for each one.

RESOLVED. To allow the Pantiles traders to advertise all Pantiles events by placing signs on the Commons verges nearby, but no sign can be put out more than a week in advance and they must be removed promptly thereafter.

13. ANY OTHER BUSINESS

a) Common Ground

John Barber, for the Friends, offered copies of Common Ground to anyone interested, and reminded the meeting that the Friends Tea Party takes place on 15 July at the Mount Edgcumbe.

b) 11 London Road

Work has begun on the new development, and no tunnels were found when the doors at the back of the site were opened.

The Warden has renewed the agreement he reached with the previous developers to allow them to remove the trees and scrub immediately surrounding the building site in return for improving the area once the building has finished. This will involve scraping the top layer of soil at the back to reduce fertility, using the soil to create a bund and planting heathers; the side will be sown with the usual restoration grass mix.

They also asked permission to put hoardings on the Common around the site for the duration of the building work and place a site hut inside the hoarding. It became apparent that some of the land immediately behind the site belongs to Targetfollow, not the developers, and they had not been approached for permission.

RESOLVED. To allow hoardings to be placed on the Common where it is owned by the developer but not on the part owned by Targetfollow unless agreement is reached separately.

RESOLVED. The office to forward notification of planning applications that affect the Commons to Targetfollow, who are not always included in the planning process.

c) Nevill Park

Cllr Scholes informed the Conservators that he was to have a meeting with the residents of Nevill Park which he thought would be to do with the parking problems at the entrance.

d) Pantiles Car Park signs

New signs have appeared on the Common pointing to the car park and TWBC are unaware of how they came to be placed there. The Conservators agreed that they had not given permission and should not.

14. PLANNING APPLICATIONS

Rusthall Cricket Club – siting of container. Informed the Planners that the Conservators had given permission.

63 Lower Green Road – conversion from shop to house. Pointed out that the triangle of grass opposite is Common and should not be driven or parked on.

14 Apsley Street – rear extension. Pointed out that the house is opposite the Common and should not be driven or parked on and building materials should not be stored there.

6 Upper Street – side extension. Pointed out that the house is on a track, not a road, and is opposite the geological SSSI with rocks forming the edge of the track, and that any damage would be irreparable and illegal.

73 Mount Ephraim – reconstruction of brick wall and pillars with paved parking area. Pointed out that the verge between the pavement and the road is Common and must not be parked on or driven over and building materials should not be stored there.

Received but not commented on:

63 Mount Ephraim – new windows
Sallywag, 45 Mount Ephraim – change of use

The next meeting will be held at **2.00 p.m. on 24 September 2015.**

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in Committee Room A on Thursday 24 September 2015 at 2.00pm

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

MINUTES

1. CYCLING STRATEGY

Hilary Smith and Bartholomew Wren introduced the Borough wide cycling strategy; it is now open for consultation. The strategy has been adopted by TWBC, but the detail of the routes has not yet been assessed. A complete network is required for it to work properly.

The main route for consideration is Route 4, which is planned to run alongside the road in Major Yorks Road, Mount Ephraim, Inner London Road and Church Road as well as using the footpaths on the Common to link the restricted byway to Inner London Road. It follows key desire lines, crossing the Common as little as possible. It is hoped that this will be one of the first to be implemented. However, Routes 9 and 10 also affect the Common and need to be considered.

Given that funding is always tight, the Conservators were asked whether one or two key routes should be the focus, with more added when money is available. However, funding streams are often available at short notice, so the plans need to have been fully considered and adopted in order to take proper advantage of grants.

Doubt was cast on the width of paths – at 2.5 metres they were considered unnecessarily wide – and the effect on vulnerable pedestrians who make heavy use of the paths involved. Bartholomew Wren said that shared use paths usually avoided the conflict likely to arise when cyclists use footpaths. Further worries were expressed over who would be responsible for future maintenance.

Bartholomew Wren asked for consent now to the principle of permitting cycling on the Common, even though there would need to be further work and consideration of the detailed route.

The Clerk pointed out that if consent is given to the strategy, it may be difficult to challenge the detail at a later date, and it may not be possible to agree the detail.

There may be legal issues relating to the routes, not least of which is that cycling on the Common is against the bye-laws. However, it may be possible to allow the parts of the route that follow road edges even if there are problems with the route where it goes onto the Common.

RESOLVED. Consent cannot be considered in principle without examining the detail.

RESOLVED. A working party with two members from each of the representative bodies to be convened to look at the detail of the routes affecting the Common.

2. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 25 June 2015 were considered, approved and signed by the Chairman.

3. MATTERS ARISING

a) Rusthall Cricket Club

The Warden confirmed that the container was now in place and well screened from the road.

b) Pedestrian crossings

John Barber reported that progress was being made on putting an island refuge in Langton Road, and Targetfollow confirmed that they are talking to KCC about releasing land to widen the road at this point. He is pressing for the crossing at Major Yorks Road to be suitable for cyclists as well as pedestrians. The schemes appear to be in the programme of works for 2016/17.

c) Brighton Lake

The blanket weed is regrowing and the Warden confirmed his intention to continue clearance for the next few years until the enrichment of the water caused by dredging has subsided. He was asked to erect signs to ask people to remove their rubbish when fishing but, as fishing is against the bye-laws, he is reluctant to give the tacit acceptance to the practice that would be implied by such a sign.

d) Wildflower area at Inner London Road

The Warden reported that one of his contractors is thinking of purchasing a rake attachment for the tractor which would enable the leaves to be removed more cheaply.

e) Union Square land swap

The Clerk told the meeting that the Planning Inspectorate is to hold a site visit on 6 January and has invited a Conservator to be present. The Warden will be there, and any Conservator who wishes to attend should contact the office. The Clerk confirmed that he has not received a reply from Dandara and, as it is important to get their acceptance of the terms, he would pursue it.

f) Accommodation

The office is to move to the Town Hall in late October.

4. **WARDEN'S REPORT**

The Warden reported that it has been a difficult summer at Wellington Rocks. It has long been a gathering place for young people in the evening and this year, in addition to smashing bottles, fires were being lit beside and on the rocks. The litter picker has spent a disproportionate amount of his time keeping the area safe and clean and so the paths have become somewhat neglected, although he is trying to rectify this now. Although police have increased their patrols, they are understaffed and tend to visit before the trouble begins.

The other problem this summer has been the large number of rough sleepers. Most of them move on peacefully once they receive the Conservators' letter, but one camp has refused to move so far.

The gas main has been replaced at Lower Green Road in Rusthall and a mess has been made of the Common where they left their equipment. The Warden has obtained their agreement to pay his contractor's costs to repair the damage. In the same area, there has been increasing waterlogging over the last year, resulting in a pedestrian sinking to her knees when try to cross. The Warden is meeting a representative of Kent Highways to try to resolve the issue.

At Brighton Lake, a section of the wall has been pushed into the lake. Luckily the stone blocks have not been stolen, and the wall is being repaired.

Judging has taken place for this year's Britain in Bloom contest, and the judges spent longer than usual on the Common. The result is unknown.

Cllr Scholes expressed concern about the flooding at the bottom of Nevill Street and the basements in the Pantiles and asked whether there was anything more that could be done to drain the Common before the water reached the bottom of the hill. The Warden told the meeting that he had cleared out the sump, but that the storm drains in Major Yorks Road are either blocked or inadequate to take the water. Cllr Scholes is pressing Kent Highways to deal with the problem, and this may mean further drainage work on the Common is included in any plans. There is a seminar for parish councils to talk to drainage experts from KCC shortly.

The Warden is intending to start spraying Himalayan balsam in early June next year as he has been advised that his programme has been commencing too late in the summer to be effective. Japanese knotweed is relatively easy to control on the Common due to the poor soil.

5. FINANCIAL STATEMENT no 2 2015/16

RESOLVED – that the statement be approved.

6. INTERNAL AUDIT OPINION

The TWBC internal auditors have completed their audit and found the controls in place to be satisfactory.

Under the County of Kent Act 1981, the Conservators have to be audited as though they were a parish council. The Audit Commission informed the Conservators in writing in 2006 that such small bodies would no longer require an external audit and ceased to issue the annual audit notice. However, the new Head of Audit for Mid Kent (who currently do the internal audit) has checked the regulations and discovered that annual external audits should not have ceased.

Since the abolition of the Audit Commission, the requirement to audit has been managed by Public Sector Audit Appointments Ltd (PSAA). They have determined that, as the accounts for the past ten years have been internally audited, published, and open to examination, they do not need to revisit these years, but have invited the Conservators to appoint auditors for 2015/16 and 2016/17. This will need to be paid for out of the budget.

RESOLVED. To appoint the auditors required by the PSAA.

7. **DATES FOR 2016 MEETINGS**

RESOLVED – That the meetings of the Commons Conservators be held at 2.00pm on the following dates:

24 March 2016

23 June 2016

15 September 2016

1 December 2016

8. **PARKING AT NEVILL PARK**

A letter has been received from representatives of the Nevill Park residents who are trying to resolve the parking issues there. Since the extension of double yellow lines in Major Yorks Road, a number of cars have taken to parking on the track leading across the Common to the entrance to Nevill Park. They are eroding the verges and causing a dangerous narrowing of the track, sometimes blocking it entirely for large vehicles. The Clerk advised that, under the County of Kent Act 1981, residents have the right to construct, with the consent of the freeholder, an access across the Common, but this does not place any obligations on the Conservators. Consequently he recommended that the Conservators should not stand in the way of any solution the residents and landowner pursue, but cannot be the prime movers or financiers.

Targetfollow confirmed that they have recommended liaising with RCP, who manage the Pantiles car park, to get signs erected, the area patrolled, and tickets issued.

It was suggested that yellow lines could be painted on the road which would have no legal standing but may act as a deterrent.

RESOLVED. To offer the residents support for any reasonable action they undertake.

9. **CAR FAIR**

Following the refusal by the Freehold Tenants and Councillors to allow Audi to hold a car fair on the Common, Targetfollow expressed their view that such events should at least be considered in the future if they are likely to be beneficial to the community.

RESOLVED. To review the Open Spaces Policy, and all other Conservators' policies, at the next meeting.

10. **INVESTING IN THE COMMONS**

John Barber, for the Friends, presented a paper outlining possible projects where the Friends could seek funding streams and oversee the projects, and asked for the Conservators' opinions.

Cllr Scholes thought he might be able to help with funding for a reprint of the leaflets, which proved very popular last year. He also thought it possible he could find funding for an updated history of the Commons.

Support was expressed for replacement and new information panels.

It was agreed that one idea, an apprentice for the Warden, was not appropriate for this paper, but that succession planning would be useful.

RESOLVED. The Warden and Support Officer to review their job descriptions to see if they are accurate.

11. STRANGES AVENUE

The Warden recommended that four large trees at the bottom of Stranges Avenue should be removed. They are all in poor condition and will require a good deal of tree surgery over the next few years to keep them safe and, as they are close to the new development at 11 London Road, they are a potentially open ended liability.

The developer also wants them removed, and is prepared to pay the cost of this work. They have offered to remove them to ground level, but it was agreed that the stumps should be ground out and the soil regraded.

The Warden also recommended that the Conservators should consider replanting some of the avenue at the bottom end.

RESOLVED. To allow the four unsafe trees to be removed and to replant where desirable.

12. ANY OTHER BUSINESS

a) Hedge laying

Cllr Woodward informed the meeting as a matter of information that KCC would be re-laying hedges in Eridge Road.

b) Bulls Hollow

Targetfollow informed the meeting that the building work was overrunning so it may be a little longer before the owner can comply with the requirement to remove all encroachments and restore the area.

He has also been discussing the possibility of a land swap, as he wishes to buy the area around his house and deregister it as Common, if this is legally possible, in return for extending the Common at Still Green.

It was pointed out that altering Common land is not the purpose of the Conservators.

c) Friends Annual Lunch

To be held on 18 October at the Royal Wells Hotel.

d) S106 payment

The Warden advised that the planning department have approved the proposal for spending the £18,000 grant. It will fund more bins and dog bag dispensers, renovation of 30 benches, scalloping the racecourse edges and further clearance at London Road.

e) Bin donation

The Warden noted that a dog walker who identified a need for a bin at the junction of Castle Road and Edgcumbe Road has given the Friends a £600 donation to be passed to the Conservators to cover the entire cost of the bin and installation as well as maintenance for the first few years.

13. PLANNING APPLICATIONS

Summerhill House, Inner London Road – new gates, alterations to drive
Flat C, Ayot House, Nevill Park – alterations to building
TW & C Bridge Club, London Road – roof works

The next meeting will be held at **2.00 p.m. on 3 December 2015.**

TUNBRIDGE WELLS COMMONS CONSERVATORS

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

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

MINUTES

1. MINUTES OF THE LAST MEETING

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

2. CYCLE PATHS

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

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

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

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

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

3. MATTERS ARISING

a) Pedestrian crossings

John Barber reported that there was no progress from KCC.

b) Union House land swap site meeting

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

c) Japanese Knotweed

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

d) Auditors

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

e) Parking at entrance to Nevill Park

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

f) Bulls Hollow

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

g) Stranges Avenue

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

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

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

4. **MEMBERSHIP**

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

Tunbridge Wells Borough Council

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

Freehold Tenants

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

Manor of Rusthall

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

5. **WARDEN'S REPORT**

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

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

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

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

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

6. FINANCIAL STATEMENT No 3 2015/16

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

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

RESOLVED – that the statement be approved.

7. BUDGET AND PRECEPT 2016/17

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

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

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

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

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

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

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

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

8. **TRAVELLER PROTOCOL**

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

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

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

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

9. **SAFETY PROTOCOL**

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

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

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

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

11. **RUSTHALL ARTS FEST**

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

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

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

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

12. COFFEE STALL

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

13. FREEHOLD TENANT PROJECTS

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

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

RESOLVED. To accept all Freehold Tenant projects with gratitude.

14. ANY OTHER BUSINESS

a) Bulls Hollow

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

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

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

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

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

b) Inner London Road

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

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

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

c) Common View

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

d) Easements

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

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

e) Settlement with Dandara

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

15. **ALDI PLANS**

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

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

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

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

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

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