

## **TUNBRIDGE WELLS COMMONS CONSERVATORS**

### **Minutes of a meeting held via video conference on Thursday 25th March 2021 at 2pm**

#### PRESENT:

John Barber  
Paul Burnett  
Ewen Cameron  
Stephen Lacey  
Ian Marshall (Outgoing Chairman)  
Antony Moore  
Cllr Joy Podbury  
Clare Sinha  
Cllr Chris Woodward (Incoming Chairman)

#### APOLOGIES/UNABLE TO ATTEND:

Cllr Barbara Cobbold  
Cllr James Scholes  
Corin Thoday

#### ATTENDING:

Steve Budden (Warden)  
Alan Leale-Green (Treasurer)  
Gemma Stapeley (Clerk)  
Liz Ellicott (Rusthall Parish Council)  
Clive Evans (Friends of Tunbridge Wells and Rusthall Common)

## **MINUTES**

### **WELCOME**

The Chairman welcomed Mr Alan Leale-Green, the newly appointed Treasurer and welcomed back Clare Sinha as Conservator for the Freehold Tenants.

### **1. DECLARATION OF BUSINESS INTEREST**

The Treasurer declared that he was a social member of Linden Park Cricket Club, reference to agenda item 14 vii. There were no other business declarations.

### **2. APOLOGIES FOR ABSENCE**

Apologies were received from Corin Thoday.

### **3. 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.

**Conservators agreed that Cllr Chris Woodward, representative of the Tunbridge Wells Borough Councillors, be appointed as Chairman until the quarterly meeting of the Conservators in March 2022.**

**Cllr Chris Woodward continued as Chairman.**

The Chairman conveyed his grateful thanks to Ian Marshall for his year in office, it was noted as being a year filled with challenges for the Commons Conservators.

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

The minutes of the meeting held on 10<sup>th</sup> December 2020 were considered and approved. A copy to be signed by the Chairman and returned to the Clerk.

#### **5. MINUTES OF THE COMMITTEE MEETINGS**

The minutes of the Committee meetings held on 11<sup>th</sup> January 2021, 8<sup>th</sup> February 2021 and 8<sup>th</sup> March 2021 were considered and approved and would also be signed by the Chairman. The work of the Committee was acknowledged and appreciated by all Conservators.

#### **6. MATTERS ARISING**

##### Storm drainage

In January 2021, Alex Brauning of Kent County Council's Drainage Planned Works team conducted a site visit with the Warden to review and adjust the position of one of the planned attenuation tanks. The outline design for the scheme has now been completed on that basis, by their consultants. The next step is for Alex's team to work the outline design into the detailed design which incorporates issue of the drawings, all components and pre-construction health and safety information. This will be progressed from April 2021 and include liaison meetings with the Warden and Clerk, representing the Conservators, to finalise the finer details and answer queries.

##### Director's report

The Clerk, Warden and outgoing Chairman met with William Benson on the 18th of December 2020 to discuss the headline issues affecting the Commons. During the meeting, it was agreed that a review of the precept mechanism could be discussed for the 2022/23 budget.

**ACTION: The Clerk and Treasurer to approach Lee Colyer, Tunbridge Wells Borough Council's (TWBC) Director of Finance, Policy and Development, on 1<sup>st</sup> September 2021 to start discussions regarding the possibility of reviewing the precept mechanism.**

##### Proposed zebra crossing on London Road

The project has been completed.

##### Volunteer work parties

The Chairman acknowledged the significant support given to the Commons by all volunteers.

##### Membership

There have been two changes to membership since the last meeting. For the Freehold Tenants, Clare Sinha has replaced Chris McHugh.

**ACTION: IM asked to thank Chris McHugh for his contribution to the Conservators since he joined in March 2019.**

For the Borough Councillors, Cllr Joy Podbury will not be standing for re-election in May, this meeting will be her last as a Conservator. Cllr Podbury was thanked for her contribution. She noted that she would still be supporting the Commons as a Friend. TWBC Democratic Services have confirmed that they will nominate a replacement by the end of May, in time for the June Commons Conservators' meeting.

#### Warden's report

Due to Covid restrictions, the British Mountaineering Council's sandstone volunteers have been unable to clear scrub from the rocks at Bull's Hollow and Happy Valley, but they are still committed to this work.

#### Budget report

SL was thanked for his support in the period when there was not a Treasurer in post.

#### Review of Open Spaces policy

The Clerk and PB met on Tuesday 23<sup>rd</sup> March to discuss proposed revisions to the Open Spaces policy.

**ACTION: The Clerk to present a draft version of the reworked Open Spaces policy to the Committee for approval.**

#### Feedback on process and procedures

Officers will be briefed on any issues of relevance raised in the exempt sessions.

#### Planning Applications

The Clerk had been informed that the owners of 4 Onslow House have decided to sell their property, rather than extend.

The Chairman noted his frustrations with the Local Planning Authority, not giving enough attention to the concerns of the Conservators. The Chairman has asked TWBC's Head of Planning to discuss the matter further on his return from paternity leave.

**ACTION: The Chairman to feedback to Conservators, progress made with the discussions.**

#### Actions

All meeting actions were reviewed and closed.

## **7. WARDEN'S REPORT**

The Warden noted that the past three months had continued to be another busy period on both Commons. Amongst other impacts, the paths have suffered considerable damage due to the number of users and wet weather. It is hoped that with the free draining soils of the Commons, recovery will be relatively quick, but this will be monitored.

Serious problems were reported with the sheer volume of waste and litter generated on the Commons, not helped by somewhat haphazard servicing. The Warden hoped that with the new waste contracts starting on 1<sup>st</sup> April and

with the easing of restrictions, reducing visitor numbers, we should be able to regain control of the problems. The volunteer group will soon be able to add their efforts to the clearances too.

The grass cutting contract has now been extended for a further year, with 8 contracted cuts and a fixed price for any additional cuts. Cutting is due to start in the next couple of weeks.

Lockdown restrictions have prevented a number of work projects on the Commons; we couldn't hold our volunteer scrub clearance and litter picking sessions, the British Mountaineering Council's sandstone volunteer group couldn't clear scrub at Happy Valley and Bull's Hollow, and the Community Payback group have not been able to operate as planned.

Having worked to a seriously restricted budget for the majority of the season, there has now been a small amount of the maintenance budget made available. Work totalling £12,000 has been authorised for tree work highlighted in the annual tree survey and clearance of the piles of brush left from storm damage works.

The Warden acknowledged the generosity of the Freehold Tenants and Friends in funding a number of projects across the Commons as follows:

- A new 600 plant hedge around Fairground car park.
- Ditch and bund dug around the perimeter of Fir Tree car park, to reduce the damage and cost of anti-parking post replacement. Grass seed is due to be sewn on the bund imminently.
- Removal of holly, cherry laurel and sycamore scrub at the rear of Fir Tree car park to allow additional light to reach the ground and promote greater plant diversity.
- Removal of a large stand of holly behind Wellington Rocks. This work has revealed a large group of mature oak trees, provided opportunity for invertebrate colonisation, and has restored one of the old viewpoints, stunning in all directions.

The installation of steps at the new Marlpit ponds and seeding of the margins of the new ponds are to follow shortly.

In addition to items raised in his report, the Warden discussed a recent increase in anti-social behaviour on the Commons and an attempt by travellers to enter Rusthall cricket club ground. He confirmed that payment is still made to TWBC for their services in managing travellers. The Warden authorised work to dig a ditch by the toilets/Wellington Rocks to prevent access in future.

Discussion turned to benches; Chris Gurr of the Friends is kindly marking up all of our benches on maps for Conservator use. There was a recent request raised at the Town Forum, to move the bench in front of Thackeray's along the London Road, which will be considered.

The ongoing cost of commemorative benches is a concern. It was suggested that the charge for new benches should include a maintenance cost and or a limited time of ten years after which they can renewed or made available to other families, all to be considered. The Friends offered to fund the restoration of a further ten benches, in addition to those proposed by the Warden, which was gratefully accepted with thanks.

**Conservators agreed to the finance for the restoration of ten additional benches, ten new bench ends and installation of a new litter bin at Wellington Rocks.**

**ACTION: Warden and Clerk to review bench maps once complete and consider a revised policy for benches, to be discussed with the Committee.**

## **8. CLERK'S REPORT**

At the beginning of March, the Facebook group had over 1,200 members and topped 2,500 reactions during the month of February, the highest level of interaction to date.

The current top posts provide valuable insight into what matters to our community and cover the following topics:

1. Graffiti across the Commons, particularly around the Lower Cricket Pitch.
2. Litter picking by Oliver as part of his Duke of Edinburgh's award.
3. Happy Valley – dangerous glass bottles.
4. Owls (engraved into the trees) on Rusthall Common.
5. Glass and litter on the Bumps.

The new website was launched on 24<sup>th</sup> February and has received lots of positive reactions. It was included in the TWBC weekly email to residents and was the most clicked item on the email for the week. The Clerk will be updating the website regularly to keep the news up to date and appealing. Blogs are planned on the new waste contracts, a piece from the new Chairman, news from the Friends, an item on litter picking by Mark Howden and the Warden's regular blog will return.

The Clerk summarised the changes to the waste contracts and thanked the Conservators for their responses to the many requests made to them regarding the project.

Meetings with William Benson, TWBC Chief Executive, have been occurring monthly with the Warden and Clerk. These have been an opportunity to share relevant news and updates and have already proved to be invaluable.

On 23<sup>rd</sup> February, IM, the Warden and Clerk met with Hilary Smith, Economic Development Manager at TWBC to discuss proposed cycle routes that would impact the Commons. The meeting concluded with Mrs Smith having a clearer idea of routes that could be approved by Conservators, which would be mapped and detailed, thereby disregarding certain routes once and for all.

The Clerk has made a number of connections with the local Police to help register and get support with anti-social behaviour. Positive discussions and meetings have been had with Inspector Betts, of the Tunbridge Wells Community Safety Unit and the two PCSOs covering the Commons. The Clerk has been asked to report all incidents, as this helps create a casefile that can be used to justify resource.

The Clerk's report collated all Conservator requests since the last meeting as follows:

Date of request	Detail	Outcome
21/01/21	Request on behalf of Stills Montcler for a filming and photography shoot on Wellington Rocks, 25 people in total.	Declined due to lockdown restrictions.

22/01/21	Request from Linden Park Cricket Club to install a storage container between clubhouse and nets.	Approved.
12/02/21	Request from the Friends to authorise the fundraising for their all-abilities trail.	Approved.
05/03/21	Request from the Mead school for their year 6 to use Happy Valley for filming.	Approved.
12/03/21	Request from Rusthall Cricket Club for new roof material.	Approved - This will not commence until next year as the club need to fundraise first.

## **9. FINANCE REPORT**

The new Treasurer, Mr Alan Leale-Green, was welcomed by all Conservators.

The Treasurer acknowledged that the accounts had been well prepared by the previous Treasurer, who departed at the end of November 2020. He set out a preliminary estimate of the results for the year ending 31<sup>st</sup> March 2021, with the numbers subject to change due to final accrual adjustments. On 12<sup>th</sup> March there was £91,405 in the Lloyds bank accounts.

The dates of the Conservator meetings were queried by the Treasurer, who suggested slight movement to coincide with the financial year.

**ACTION: Treasurer and Clerk to work to propose dates for 2022 that work with the financial calendar.**

## **10. UPDATE FROM THE FRIENDS OF THE COMMONS**

Clive Evans, Chairman of the Friends, provided an update on membership numbers, currently 453 with 55% living in Tunbridge Wells, 35% in Rusthall, 10% in Kent County and 10% classed as other. In the last six months, the Friends have contributed £15,450 towards projects for the Commons, they were thanked for their significant contributions.

**ACTION(S): CE reminded the Clerk and Treasurer about a £2,000 contribution to the new website that needed to be recharged and asked the Warden for suggested new project proposals for the Sussex Lund Fund for 2022.**

## **11. RISK MANAGEMENT**

CS introduced the latest version of the Risk Register for the Commons and highlighted the key risks as follows:

### Amber

- One-off encroachment (travellers etc).
- Persistent encroachment (parking etc).
- Permanent encroachment.

- Extensive storm damage.
- Contractors unavailable/no contractors.
- General contract issues.
- Expenditure exceeds budget and reserves.
- Anti-social behaviour.
- Increased usage pressures.
- Habitat degeneration.
- Extensive disease.

### Yellow

- Invasive species.
- Loss of protected or priority species.
- Violence/sexual offence.
- Access lost to accounting facilities.
- Cost increase above RPI.
- Addition of new land.
- Fire damage.
- Public disorder.
- Reduced funding.
- Employee H&S.
- Negative media.

It was noted that the key risks had been discussed in the meeting so far, emphasising that the right risks were being focused upon.

JB commented that the severity and frequency of extensive storm damage should be reviewed, with consideration given to increasing the risk due to climate change and recent extreme weather.

**ACTION: The committee to review the risk of storm damage.**

## **12. CROWDFUNDING PROPOSAL**

Several members of the Facebook group and JP had suggested that the Conservators investigate the option of Crowdfunding to generate essential funds for the Commons. As such the Clerk provided a paper in advance of the meeting that introduced the concept of crowdfunding and reviewed three of the most popular platforms.

It was agreed that while fundraising efforts should be directed at the Happy Valley all-abilities trail, further crowdfunded projects would be put on hold.

The Clerk had introduced JB to Crowdfund Kent, which was launched on 17<sup>th</sup> March 2021, as a Kent County Council project to match fund up to 50% (capped at £20,000) of money raised through their crowdfunding platform. JB was investigating opportunities for the all-abilities path further.

## **13. EVENTS**

Permission was granted by Conservators for the following event:

i. Hospice in the Weald 5km and 10km run on Sunday 19<sup>th</sup> September 2021 and associated signage.

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

i. Request from The Forum Community Interest Company to consider investigation into further streetlights on Castle Road.

The request to investigate street lighting on Castle Road was considered at length, concluding that input was required from the Community Safety Manager and a lighting expert to provide guidance on the impact of additional/revised lighting compared to or in addition to raising the vegetation canopy or scrub clearance. Concern focused on the impact of additional lighting on the habitat and wildlife of the Commons and whether additional lighting would increase the safety risk.

**ACTION: Clerk to feedback to The Forum Community Interest Company to explain that a decision was postponed until further expert information was available. The Clerk to pursue investigations with the Police and Community Safety Manager.**

ii. Return to meetings at the Town Hall

Subject to covid restrictions, it was agreed that the September 2021 meeting would be held at the Town Hall while the December 2021 meeting would be held via Zoom.

For 2022 onwards the following was agreed:

March:	Town Hall meeting with walk prior.
June:	Zoom/Town Hall to be discussed further at the June 2021 TWCC meeting.
September:	Town Hall meeting with walk prior.
December:	Zoom

**ACTION: Clerk to manage room bookings and arrange walks. Chairman to agree meeting plan for June meetings from 2022 onwards.**

iii. Process for invoice approval

The following revised process was approved by Conservators to be implemented with immediate effect:

1. Invoice agreed by individual who instructed the work, mainly the Warden, occasionally Clerk/Committee.
2. Invoice sent to Treasurer with approval and note relevant to budget.
3. If expense is within budget, the Treasurer approves the invoice. Payment can then be set up on the Lloyds online system. For the payment to work, it requires approval from 2 out of 3 signatories (currently SL, GS or ALG).
4. Any unbudgeted items or items causing a budget to be exceeded by more than £300, will be referred to the Committee, prior to authorisation.

iv. Eligibility to be appointed to Committee

No longer applicable.

v. Jubilee of the accession tree planting February 2022

Approved.

vi. Permission in principle for gatherings on the Commons

Conservators agreed to an in-principle set of criteria that would allow the Clerk to approve gatherings without further Conservator approval being required.

**ACTION: Clerk to propose the in-principle criteria to be approved by the Committee.**

vii. Linden Park Cricket Club storage container Plan B

The Club requested to recommence discussions with the Conservators, as the proposed location of the container (between clubhouse and nets) as requested on 22<sup>nd</sup> January 2021, has been identified as posing a risk of damage to the drainage system. The Club suggested two alternative locations, at the southern end of Fir Tree car park or in the scrub behind the pavilion, neither were particularly appealing on initial consideration but needed to be evaluated further.

**ACTION: Clerk and Warden to meet with representatives of the Club on site, to discuss the options further and revert to Conservators for further consideration.**

viii. Historical re-enactment event request

Approved, subject to the standard caveats as follows:

- No structures, such as gazebos.
- No vehicles on the Common.
- No sound systems.
- No enclosure of the area, obviously people can be asked to politely move on.
- Keeping the Warden and Clerk up to date as plans develop, to include a site visit before the event to run through the plans.
- Copies of relevant insurance and risk assessments as applicable.

ix. Rascal's pizza van request to trade from Fir Tree car park

Declined

## **15. PLANNING APPLICATIONS**

27 Apsley Street Rusthall. Demolition of existing shed; Single storey building with a flat roof in garden for use as ancillary residential accommodation. On behalf of the Commons Conservators the following comment was made: The Commons Conservators would like to highlight that Apsley Street is an unadopted road which has been extended onto the Common without Conservator permission and as such our Warden would like to discuss with

the applicant the limitations of where trade vehicles can park. Materials and tools must not be stored on the Common.

**Application approved.**

31 Upper Street, Rusthall. New conservatory and replacement of uPVC windows to timber sash windows; loft conversion; installation of roof light; addition of new windows. On behalf of the Commons Conservators the following comment was made: The Commons Conservators have a number of concerns with this application and raise the following points:

- The Commons Conservators would like to register concern that the property is located on Rusthall Common and that the short fencing in front of the property marks the edge of the Common as such measures must be taken to protect the land and no equipment, tools or material can be stored on the Common.
- It was a further concern that the Heritage Report did not acknowledge that the property is adjacent to a designated SSSI, see map <https://magic.defra.gov.uk/MagicMap.aspx?startTopic=Designations?tivelayar=sssiIndex&query=HYPERLINK%3D%271003220%27>  
We would expect discussion with Natural England regarding the management of activity in such close proximity to the SSSI. Further details here: <https://www.gov.uk/government/publications/request-permission-for-works-or-an-activity-on-an-sssi>
- We would also like to highlight that access would be via Apsley Street, this is an unadopted road which has been extended onto the Common without Conservator permission and as such our Warden would like to discuss with the applicant the limitations of where trade vehicles can park.

**Application approved.**

**DATE OF NEXT MEETING** – 24th June 2021 at 2pm, via videoconferencing.

**Agreed Actions**

<b>Agenda Item</b>	<b>Detail</b>	<b>Responsibility</b>
4&5	Chairman to sign the minutes of the previous meetings and send to the Clerk.	Chairman.
6	Approach Lee Colyer of TWBC on 1 <sup>st</sup> September 2021 to discuss precept mechanism.	Clerk and Treasurer.
6	Thank Chris McHugh for his contribution as a Conservator.	Ian Marshall.
6	Reworked Open Spaces Policy to be presented to the Committee for approval.	Clerk.
6	Feedback on discussions with TWBC Planning regarding improved incorporation of Conservators concerns in applications.	Chairman.
7	Review bench maps once complete and consider a revised policy for benches, to be discussed with the Committee.	Warden, Clerk and Committee.
9	Work to propose dates for 2022 meetings that work with the financial calendar.	Clerk and Treasurer.

10	Recharge the Friends for a £2,000 contribution to the new website.	Clerk and Treasurer.
10	Suggested new project proposals for the Sussex Lund Fund 2022.	Warden.
11	Review the risk of storm damage.	Committee.
14i	Feedback to The Forum Community Interest Company to explain that a decision was postponed until further expert information was available. Pursue investigations with the Police and Community Safety Manager.	Clerk and Warden.
14ii	Arrange room bookings and walks.	Clerk.
14ii	Confirm arrangements for June meetings for 2022 onwards.	Chairman.
14vi	Propose in-principle criteria for approval of gatherings on the Commons.	Clerk to liaise with Committee.
14vii	Meet with representatives of Linden Park Cricket Club to discuss options for alternative sites for the storage container.	Clerk and Warden.