

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in the Rackliff Centre on 19th June 2025 at 1.30pm

In advance of the meeting, Conservators had been invited to join a walk on Rusthall Common to highlight recent project work, to discuss wildlife survey data, funding opportunities and potential projects.

PRESENT:

Ewen Cameron (Chair)
Amii Errington
Stephen Lacey
Ian Marshall
Cllr Jayne Sharratt
Clare Sinha
Neil Spalding
Corin Thoday

APOLOGIES

Cllr Martin Brice
Paul Burnett
Cllr Pamela Wilkinson

ATTENDING:

Daniel Colborne (Ranger)
David Miller (Treasurer)
Gemma Stapeley (Clerk)
Joy Podbury (Friends of the Commons)

The Chair welcomed everyone to the meeting.

1. DECLARATION OF BUSINESS INTEREST

There were no business declarations.

2. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Martin Brice, Paul Burnett and Cllr Pamela Wilkinson

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 24th April 2025 were considered and approved. A copy to be signed by the Chair and returned to the Clerk.

4. MINUTES OF THE COMMITTEE MEETINGS

The minutes of the Committee meeting held on 16th May were considered and approved and would be signed by the Chair and returned to the Clerk.

5. MATTERS ARISING

Electric car charging points for Fairground car park

Outstanding action: PBurnett to submit a full proposal to the Conservators for consideration.

Common View meadow feasibility study

The Ranger has been surveying the meadow and has had site visits to discuss options with ecologist, Kate Ryland, Officers and the Conservators.

Action: Ranger to update Conservators on suggested plans.

Paving slab at Major York's Road bus stop

Kent County Council (KCC) have confirmed that installing a paving slab would not be a viable option, they have offered advise but will not fund the works as it is private land. NSpalding suggested that it was the role of the bus companies and KCC and or Tunbridge Wells Borough Council (TWBC) to make the bus stop safe, a matter he volunteered to investigate further.

Action: NSpalding to update Conservators on findings.

Tree stumps and fencing above Cabbage Stalk Lane Pond

The Ranger and Clerk had discussed the matter at length and prior to the meeting, the Ranger had emailed all Conservators with an in-depth consideration of the possible risks and best practice, reconfirming that the stumps were as safe as possible and that a fence was not required. Advise was also taken from the visiting Common Therapy group of land manager, all confirmed that the tree stumps had been cut in accordance with best practise and that a fence was not required.

S106 funding

The Clerk confirmed that the Eridge Road Commons Projects Contribution can be used for projects on both Tunbridge Wells and Rusthall Commons.

Action: The Clerk to discuss with the TWBC S106 Officer whether management time can be included in future requests.

Sussex Lund Report

Year two funding report to be submitted by the Ranger in July.

Action: Ranger to submit funding report to Sussex Lund.

Dingley Dell

The Ranger confirmed that along with the holly trees, the stakes and straps had now been removed. A Ranger volunteering session would be organised to fill the remaining holes with soil.

Coralroot Bittercress

The Ranger had discussed regional coralroot patterns with ecologist, Kate Ryland, in response to a notable decline in numbers surveyed on the Commons this year. She suggested that there weren't any patterns, but if numbers are down again next year, then a change in management actions could be considered.

6. RISK MANAGEMENT

Accidents

Since the last meeting in April 2025, there has been one reported accident:

- 11th May, the litterbin servicing contractor cut his arm on something in a litter bin, wound was 3 inches wide. Object could have been a needle, knife or rusty nail as all three had his blood on, hospital think likely a knife. Had tetanus and blood tests. Accident book completed by Ranger.

Incidents

In the last quarter:

- 25th April, another indecent exposure incident at Happy Valley.

- Lots of BBQs, as an example on the evenings of Saturday 17th and Sunday 18th May there were 10 BBQs stopped by litterbin servicing contractor.
- During May, several cars broken into on Major York's Road.
- W/c 2nd June, three incidents of vandalism of the Wellington Rocks toilets including smashed toilet pan, pipework ripped off the wall, new entrance door cracked and wooden logs in the toilet pan. TWBC have shut the men's toilets until they can be repaired.
- Lots of reports of motorbikes on and around Rusthall Common, the Bumps, Happy Valley and Pidgeon Wood. The police have completed extra patrols.

Campers

In the last quarter there have been two camps reported and removed promptly.

Fly-tipped waste

In the last quarter: nothing reported since the last meeting.

Complaints

There were no complaints in the last quarter.

7. CLERK'S REPORT

Summary of volunteer hours:

Volunteer sessions	Total number of hours contributed (since last meeting)	Total number of hours year to date since recording started in July 2024	Financial value year to date (as per National Lottery Heritage Fund rate of £10/hour)
Ranger volunteers	129	610	£6,100
Monthly Saturday mornings	36	236	£2,360

S106 – Requests and status

As an update this is the status of our requests:

Date Requested	Property	Number of dwellings/ increase in dwellings	Amount requested	Latest update
18/03/2022	WA Turners (22/00238)	94	£18,800	18/12/2024 - application approved and S106 request approved.
11/07/2022	Showfields Estate (22/01576)	36	£3,377.75	£2,048.54 now available to request
05/09/2022	Cinema Site (22/02304)	166	£33,200	05/01/2023 application approved. Building in progress. 27/11/23 – notification of developer's intention to commence in January 2024.
15/05/24	Phillips and Eynsham House (23/01150)	44	£8,800	Awaiting decision

Conservators approved the Clerk's request to use the Showfield's estate S106 funds for Year five (2026/27) of the thinning and clearance work on the Victorian Terraces on Tunbridge Wells Common.

Action: The Clerk to submit a request to TWBC for the £2,048.54 of S106 for Showfields estate.

S106 Reserves

Summary of funds and works completed

Union House (The Potteries)

Total: £9,851

Works completed to date:

- Drainage works including restoration to Racecourse, £2,000
- Reserve for KCC's nature-based flood management works, £5,000

Balance: £2,851

Eridge Road retirement flats:

S106 and Contribution to the Commons total: £50,687.68 Works completed to date:

- High value tree survey (Living Forest) £1,032
- Fir Tree Road car park repairs (Keith Bedford) £990 deposit and £990 balance
- Truxor weed boat and team for weed removal from Brighton Lake (Aquamaintain), £1,260
- Weed removal for composting - Brighton Lake (Omni recycling), £732
- Fish management in Brighton Lake (Aquamaintain), £1,440
- Racecourse clearance - North Major Yorks, Nevill Park end (Gimbles), £2,400
- Racecourse clearance - South Major Yorks near Fairground (S Young), £3,000
- Deposit for materials and equipment for Bumps path (Keith Bedford), £1,224

Balance: £37,619.68

Further agreed spend for this reserve:

- Balance for Bumps path and works to Hungershall Park section of Racecourse (Keith Bedford), £1,428
- GCN survey £1,000

Conservators agreed to use the reserve for a dormouse survey.

Public Enjoyment Plan

First draft to be discussed at the 18th of July Committee meeting. CSinha and the Clerk have been working and trialling the best methodology for the visitor counts recommended within the Plan. It is hoped that the Friends and other volunteers may be able to help with data recording.

Fundraising

KCC's Plan Tree:

The Clerk is investigating opportunities for the funding of disease resistant elm trees to plant on the Commons, of particular interest is the Network Rail community tree planting fund and TWBC's Communities Climate Change Fund.

Friends of the Commons

Project work on behalf of the Friends:

- The Clerk has managed the sale of tickets for the butterfly guided walk on Tunbridge Wells Common on July 10th, with all tickets now sold.
- The Clerk has prepared a first draft of the walking guide for the trees of significance on Tunbridge Wells Common. Ian Beavis has provided several edits which are being incorporated, before presentation to the Committee.
- Working with Joy Podbury to produce an initial plan for a Common Ground Fun Day, to be discussed as agenda item 12.

Kent County Council - Flood and Water Management

The Clerk had discussed the liability of the drainage basin and culvert with Abbi Gosling of the Flood and Water Management Team at KCC. She confirmed that ongoing liability would be the responsibility of the Conservators, but that extensive risk mitigation measures had been incorporated into the design and planning including:

- Location – within a clearing of dense woodland and Major York's Road, therefore footfall should be low.
- Side slopes – 1:3, not steep.
- Maximum depth of basin – 0.8-1.2m. The basin will drain of water over a period of time after rainfall.
- Design and Maintenance Guidance for Local Authority Roads produced a risk scored as "Lower Priority Site". Resources to reduce risk would be grossly disproportionate to the risk reduction achieved.
- The options to protect the public from water hazards have been fully evaluated by consultant, Watermans.

Conservators agreed that they were satisfied by the mitigation measures considered.

Sink hole/Southern Water

Updates since last meeting:

- As a gesture of goodwill, KCC Highways excavated the area around the pipe and sink hole and installed Heras safety fencing, the Conservators are now paying for the weekly rental of the Heras fencing.
- Following further investigation, including cameras and dye testing, Southern Water (SW) have concluded that they are not liable because the leaking pipe in question has been identified as being pre 1950s when SW didn't exist, so it is technically not their asset. There is however, clearly sewage/grey water coming from the pipe and going into the ground.
- As of 6th June, the Environment Agency (EA) are now actively involved. They have encouraged Southern Water to find the source of the sewage/grey water.
- Week commencing 9th June engineers were working to locate and map the sewage connections running along the back of the houses opposite the sink hole, as the EA believe it is a sewage misconnection.
- It is likely that the water running into the sink hole is an unmapped surface water drain, which would make it KCC's responsibility.
- The EA and SW have been out and found the source of the surface water drain, under the railway line. SW have used CCTV to survey the drain, and it has collapsed.
- The houses opposite the sink hole have received a letter asking for permission to enter the property and survey the drain in their gardens. All but one have replied, the EA and SW have no powers to enter the properties so are now contacting TWBC/KCC to use their powers (S48 Env Health Act and Building Regs) to enter.
- SW have demonstrated that they are not responsible for the sewage, but have been helping to date, the EA are reliant on their good will.
- Officers continue to communicate with the Ripple Effect contact, Sarah Butler, who is monitoring the quality of the River Grom just south of the Eridge Road Garden Centre and know that they continue to record very high ammonia and nitrogen levels.

Tree management plans – TWBC and Forestry Commission

- The Clerk and Ranger are now meeting with the Forestry Commission at the end of July, to progress felling licence plans.
- Dead, dying and dangerous tree works are now reported to TWBC Planning.
- Future tree works will require a S211 request to TWBC to get permission for works.
- A new tree officer has been recruited by TWBC; part of their induction will include meeting with Officers.

Cycle path

The Open Spaces Society have advised that the cycle path is not something that the Conservators can approve. As a reminder, S. 110(2) of the County of Kent Act 1981 gives Conservators the following powers:

It shall not be lawful for any persons other than the conservators without the consent of the conservators in writing to make any temporary or other enclosure of any part of the commons or to put any tents, removable lodges, fences, posts, rails or other matters or things thereon or to make any road or footpath except over such portions of the commons as are coloured red on the plan or to lay any sewer, drain, pipe, waterway or other work of a like nature in or through any part of the commons.

The Open Spaces Society Case Officer explains:

“A potential difficulty with what is proposed is that the cycle track presumably is not intended for the better enjoyment of the commons, but for improved access within the town as a whole? In that event, it might be argued that, even taking a generous interpretation of s.110(2), the conservators are not in a position to authorise roads or footpaths to be built across the commons which are for purposes other than the protection and enjoyment of the commons.

We suggest that the safest mechanism would be for the council to make a bridleway creation order under s.26 of the Highways Act 1980, where the form of the order already has been agreed with the conservators, so that there need be no objection from the conservators. It seems to us that the use of a s.26 order would override any restrictions in the 1981 Act, including any restrictions on the position which the conservators might take on the ‘voluntary’ creation of a cycle track. However, the difficulty with this approach is there probably will be objections from third parties, and in that event the order must be referred to the Secretary of State for confirmation: allow about a year from the date of referral, and perhaps 18 months overall. We would also strongly commend that the council works closely with the county council's rights of way team in preparing the order”.

The Clerk supplied the comments from the Open Spaces Society to TWBC's Hilary Smith, who is managing the cycle path project and during a follow up meeting it was agreed that Hilary should attend the next meeting of the Conservators to discuss the plans, including the proposed route.

Sealed surfaces

The Open Spaces Society have now responded to the Clerk's questions about sealed surfaces, as discussed at the April meeting. The Open Spaces Society case officer explained that they are unable to provide a considered view, they describe the situation as a complex factual and legal matrix and raise several points:

- Fairground car park is used rather more by visitors to the town than to the Commons. On that basis, it would be hard to argue that the car park is provided for the better enjoyment of the green.
- It depends on the history of the car park: when it first was provided, what powers were used at that time, and how subsequently it has developed. The stronger the legal history, the stronger the case of the landowner to maintain and improve the car park.
- In this kind of situation, the reality of the question is, if we do X, are we vulnerable to a court deciding that what we did was unlawful?

The Clerk also added that consideration needs to be given to setting precedence, that could be applied across other easements and access tracks.

Other

- The noticeboards donated from Dunorlan Park are currently with volunteer Mark Howden for refurbishment.

- Members of the Common Therapy group of land managers enjoyed a full day visiting Tunbridge Wells and Rusthall Commons, feedback was very positive and complimentary, particularly relating to the amount that was achieved with a very limited resource.
- All three dates for the In Bloom judging of the Commons have been scheduled, supplementary data and photographs have been submitted for the judges.
- The Clerk has been in touch with Turtle Tally regarding the terrapins in Brighton Lake, with a view to having them rehomed. Based on photographs provided, Turtle Tally have identified 3 different species, all adults. One is a cooter (*Pseudemys* spp.), another a map turtle (*Graptemys* spp.) and one yellow-bellied slider (*Trachemys scripta scripta*). The yellow-bellied slider is listed on the EU IAS regulations and would need to go to a licensed sanctuary whereas the others can be rehomed without any paperwork or restrictions.

Requests to Conservators

Since the last meeting there have been no requests to Conservators.

8. ECOLOGICAL MANAGEMENT PLAN WORK SCHEDULE FOR Q4 2024/25

Work continues to progress well following the recommendations in the two Ecological Management Plans. Conservators approved the work schedule planned for quarter two 2025/6.

9. RANGER'S REPORT AND FINANCIAL WORK PLAN

Trees

Ash dieback

The June ash dieback survey is currently underway. Initial findings suggest that the decline of roadside trees is potentially less severe this year.

High Value Trees

Living Forest tree consultants have produced formal reports for the cherry trees on Mount Edgcumbe Road, Victoria Grove and the chestnuts near The Forum, the recommendations are being built into tree management schedules

Other Trees

The two lime trees adjacent to Castle Road, with the high-risk fungi, have now been reduced in height as recommended by Living Forest.

Potentially dangerous limbs on an oak on the Rusthall Road were removed whilst the road was closed for gas works.

Flood Mitigation

The weather has been extremely dry for the period April to date. Therefore, the positive benefits of the Ranger's flood mitigation work have yet to be tested under stress. However, it should be noted that the significant issue of blocked road drains persists and is of concern to the Ranger.

Grass Management

Short/amenity grass, by the time of the meeting there will have been five short/amenity grass cuts so far this year.

Invasive Species

Work to identify and control invasive species continues with the majority of Himalayan balsam now eradicated. A new patch of Japanese knotweed has been identified at the bottom of Castle Road and is currently being treated by leaf wiping. Laurel is being treated on Coach Road and this species alongside Rhododendron will be the focus for treatment from September onwards.

Handyman (person)

Handyman (person) work is increasingly being undertaken via a combination of contractors, the Ranger and by utilising and paying for the additional time of skilled members of the volunteer team. The success of this approach will be assessed throughout the year and amendments made as appropriate.

Bollards

Work continues to assess and identify where bollards need improving, replacing or introducing. The critical priority is always to prevent encroachment. Bollard replacement is also being carried out by contractors where appropriate.

Action: The Ranger to produce a plan for a shin high chestnut post and single rail fence along the length of the vulnerable Inner London Road edge.

Deer Management

The Ranger is consulting with the High Weald Natural Landscapes team to learn more about deer behaviours and to potentially identify and consider low key approaches that might help to reduce deer numbers, this is particularly important in areas that could present a higher risk to humans due to road traffic incidents etc.

Racecourse way markers

The Friends have asked the Ranger to provide a quote for way markers to mark up the circular Racecourse route. Options available were 30 x oak hardwood posts at £3,900 + VAT or 30 x recycled compressed plastic with a pyramid top at £3,000 +VAT. Conservators gave permission for the Ranger to progress the project with JPodbury.

Action: The Ranger to progress the Racecourse way marker project with JPodbury.

Butterflies on the Common

The Ranger confirmed that sightings of butterflies on the Commons had been very low, but in the last couple of weeks numbers had picked up. A volunteer from Butterfly Conservation Kent had observed a colony of white-letter hairstreak butterflies near the Bumps on Rusthall Common and was due to meet Officers to discuss best practise management to enhance their habitat.

Financial work plan

Conservators approved the financial work plan for quarter two 2025/6.

10. FINANCE

i. Accounts

Conservators approved the 2024/25 accounts.

Action: The Treasurer to circulate the Quarter one accounts for 2025/26 to all Conservators after the month-end.

ii. Annual internal audit report and review of effectiveness of the system of internal control

The Treasurer reported that the internal audit had taken place on 9th June 2025, Conservators had been provided with the full audit report in advance of the meeting.

The Treasurer highlighted several sections of the report:

Our sample testing did not uncover any errors or misstatements that require reporting to the external auditor at this time, nor did we identify any significant weaknesses in the internal controls such that public money would be put at risk.

It is clear the authority takes governance, policies and procedures seriously and I am pleased to report that overall, the systems and procedures you have in place are fit for purpose and whilst my report may contain recommendations to change these are not indicative of any significant failings, but rather are pointers to improving upon an already well-ordered system.

It is therefore our opinion that the systems and internal procedures at Tunbridge Wells and Rusthall Commons Conservators are well established and followed.

Andy Beams, Mulberry Local Authority Services Ltd

The report highlighted several recommended actions:

- Every authority must have a generic email account hosted on an authority owned domain.
- Increase in fidelity guarantee to cover maximum balances held at any point during the financial year.

Outstanding actions from the march internal audit:

- A website accessibility statement must be on the website.
- Update of the Financial Regulations document.

Conservators reviewed and accepted the internal audit report and following discussion, agreed that the system of internal control was effective.

The Treasurer was thanked for all of his hard work in preparing the documents for the audit.

Action: The Treasurer and Clerk to continue to work through the actions and recommendations raised in the internal audit.

iii. Section 1 of the Annual Governance and Accountability Return for 2024/25 (AGAR) Annual Governance Statement

The Clerk referred to pages nine and ten of the internal audit report and highlighted the comments made by the auditor.

The Conservators approved the Annual Governance Statement, which was signed by the Chair and Clerk.

iv. Section 2 of the Annual Governance and Accountability Return for 2024/25 (AGAR) Accounting Statements

The Clerk referred to page eleven of the internal audit report and highlighted the comments made by the auditor.

The Conservators approved the Accounting Statements, which was signed by the Chair (having been signed by the Treasurer in advance).

v. Exercise of public rights

Conservators approved dates for the exercise of public rights as 24th June 2025 to 4th August 2025.

Action: The Clerk to upload the AGAR and supporting documents to the website on Monday 23rd June to enable commencement of the period for the exercise of public rights from Tuesday 24th June. She would also send the AGAR, along with requested supporting documents to the external auditor, by the deadline of 1st July 2024.

Bank reconciliation

A reconciliation as at 31 May 2025, supported by copies of relevant bank statements, were provided for approval and signing.

Action: Bank reconciliation and statements to be signed by the Chair and returned to the Clerk.
11. UPDATE FROM THE FRIENDS OF THE COMMONS

JPodbury explained that Clive Evans would be stepping down as Chair and Tony Pawson would be stepping down as Secretary. There was a Committee meeting for the Friends scheduled for 23rd June, where the matter would be discussed further and plans made.

12. PROPOSAL FOR FUN DAY IN 2026

The Conservators approved an outline plan for a Fun Day to be held on the Commons in the Spring/Summer of 2026.

Action: The Clerk to work with JPodbury to progress the initial plans and to keep the Conservators updated.

13. MARKETING AND PR REPORT

The report highlighted that there had been articles published in the Town Crier and Rusthall Life.

The Facebook group now has 2,815 members with monthly reactions from members between 1,336 and 3,147.

The most popular posts, during the quarter, related to:

1. Another bench refurbishment.
2. Grass snake spotted at Happy Valley.
3. Ranger Dan's tree book.
4. New clearance and view near Toad Rock.
5. Work done by Ranger volunteers.

The Instagram account has 673 followers, while the website remains a popular source of information.

14. POLICY REVIEW

Conservators approved the new standing orders document.

Action: The Clerk to upload the standing orders document to the website.

15. ANY OTHER BUSINESS

- i. NSpalding enquired about the amount of public liability insurance that the Conservators' policy had, the Clerk confirmed that as requested by the internal auditors in March 2025, this was increased to £10 million. Conservators approved a request from NSpalding to get a quote for £15 million.

Action: The Clerk to provide the Conservators with a quote for £15 million of public liability insurance.

- ii. NSpalding raised the question of whether the existing policy had liability insurance for Directors and Officers (D&O). The Clerk confirmed that the existing policy did not. Conservators approved a request from NSpalding to get a quote for D&O insurance.

Action: The Clerk to provide the Conservators with a quote D&O liability insurance.

15. PLANNING APPLICATIONS

25/01041/FULL Russell Hotel. Conversion of existing hotel to create 9 flats, alterations to fenestration, installation of cycle parking & provision of soft landscaping.

On behalf of the Conservators the Clerk responded to request a S106 contribution for the 9 flats.

MEETING ENDED: 14.26

DATE OF NEXT MEETING – 16th October 2025, The Rackliff Centre, Rusthall.

Agreed Actions

Agenda Item	Detail	Responsibility	Progress/update
3 & 4	Chair to sign the minutes of the previous meetings and send to the Clerk.	Chair	Complete
5	Submit a full proposal to the Conservators, for the installation of electric car chargers for consideration.	PBurnett	
5	Common View meadow feasibility study, to update Conservators on suggested plans.	Ranger	Ongoing.
5	Investigate responsibility of bus stops and try to progress installation of a safe base by Major York's bus stop (and others across the Commons)	NSpalding	
5	To discuss with the TWBC S106 Officer whether management time can be included in future requests.	Clerk	
5	To submit funding report to Sussex Lund.	Ranger	
7	To submit a request to TWBC for the £2,048.54 of S106 for Showfields estate	Clerk	
9	To produce a plan for a shin high chestnut post and single rail fence along the length of the vulnerable Inner London Road edge.	Ranger	
9	To progress the Racecourse way marker project with JPodbury.	Ranger	
10	To circulate the Quarter one accounts for 2025/26 to all Conservators after the month-end.	Treasurer	
10	To continue to work through the actions and	Treasurer and Clerk	

	recommendations raised in the internal audit.		
10	To upload the AGAR and supporting documents to the website on Monday 23 rd June to enable commencement of the period for the exercise of public rights from Tuesday 24 th June. Also send the AGAR, along with requested supporting documents to the external auditor, by the deadline of 1st July 2025.	Clerk	Complete
10	Bank reconciliation and statements to be signed by the Chair and returned to the Clerk.	Chair and Clerk	Complete
12	To work with JPodbury to progress the initial plans for the Fun Day and to keep the Conservators updated.	Clerk	
14	Upload the standing orders document to the website.	Clerk	Complete
15	Provide the Conservators with a quote for £15 million of public liability insurance.	Clerk	
15	Provide the Conservators with a quote D&O liability insurance.	Clerk	