

HADLOW PARISH COUNCIL

Minutes of the meeting of Planning & Environment Committee duly convened and held on Tuesday 28 June 2022 at 7.30pm

Present: Cllrs M Harvey (Chairperson), O Baldock, D Carey, N Collins, J Massy, J Newman, S O'Shea, S Richardson.

Also in attendance: Melanie Stepkowski (Minute Taker).

3628 Apologies & reasons for absence.

E Bright (holiday)

3629 To receive declarations of interests.

Cllr Massy as allotment holder.

3630 To note Minutes of meeting held on 24 May 2022 (signed HPC13/6/22)

Noted.

3631 To receive an update on progress of resolutions & matters from the last meeting not on the current agenda

Minute 3623

- Parish Emergency Plan – still to be actioned
- Parish Infrastructure Statement: sent to TMBC with email confirming additional quotes for play equipment expected from Wicksteed in due course.
- St Mary's Churchyard – Yewtree inside main gate & other general tree pruning: ongoing.
- Climate Change – no update.
- UK Shared Prosperity – no update.
- Baseball – questions regarding costs related to grounds maintenance for baseball pitch received and passed to the Kent Buccaneers for consideration.

3632 New applications, amended applications and plans for comment (List B's).

TM/22/01238/LB - Listed Building Application: Redevelopment of Hadlow Manor Hotel to residential use, conversion of listed building into 6no. flats, demolition of modern extensions and construction of 6no. houses on previously developed land, Hadlow Manor Hotel, Maidstone Road, Hadlow, TN11 0JH.

<https://publicaccess2.tmbc.gov.uk/online-applications/PLAN/22/01238/LB>

HPC has no objection in principle to this proposed application, but we would suggest that future permitted development rights should be removed.

3633 Planning applications: results (List D's), out of area/comment & planning enforcements.
Noted.

3634 TMBC & KCC matters:

Following the Local Ward Boundary Review that was undertaken in 2021, TMBC were now to conduct a review of Polling Districts/Places/Stations. The review was launched on 1st June 2022; 27 June 2022 was the start of the public consultation as part of the review, which would run until 21 August.

[Review of polling districts and polling places – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk).

3635 Non-planning issues:

- **Allotments** – unkept plots and inspection findings.

It was concluded that the allotments were being maintained to a good standard with only one plot requiring immediate attention and the Clerk confirmed a letter had already been sent to the tenant, but no response received. The Caretaker would cut back the overgrown vegetation and weeds in the interim as it was starting to effect other plots.

The amount of wood and use of wood chips were noted and although it was accepted that these were useful to allotment holders there was often an issue when the plots were returned with items not removed resulting in a cost to the Council to remove debris. It was agreed that the solution would be to retain a bond of £50 to be returned if the plot was left in good condition upon end of tenancy. Recommendation to be put to full Council.

- **TPO's** – understanding the general guidelines – Cllr Carey

Cllr Carey in his capacity as Hadlow Voluntary Tree Warden provided the following report based **on his personal understanding** on the general situation on TPOs/trees in Conservation areas reminding Members that in certain circumstances other regulations can over-ride and or must also be applied to the situation eg “Special Habitat” regulations and “Forestry Commission” regulations.

“This is my personal understanding on the general situation on TPOs/trees in Conservation areas etc.

There are 3 situations that a tree may be in as far as TPOs are concerned. Of course, other legislation such as wildlife legislation or Forestry Commission felling license legislation or health and safety legislation may also be relevant to whether works on a tree or trees may be permitted.

*1. **The tree is not TPO'd and is not in a conservation area:** There is therefore no protection on the tree under TPO legislation and the land occupier or householder may lop, top, fell as they want to or require, for any reason whatsoever that they so wish. It is their tree **and really nobody else's business**, especially a legal entity such as a Parish or Town Council, except perhaps where there are associated safety, legal or other relevant issues. **It's a free country and I can fly to the Maldives for a weekend break or lay a plastic lawn over my garden if I want to (I don't)!** Beware of over-reach.*

2. **The tree is not TPO'd but it is in a conservation area:** The protection on the tree is that any works to and trees above a specific size (10 cm diam) have to be pre-notified to the local authority (DDC) and it may then be protected in some cases **ONLY by making a TPO IF the local authority decide that the tree's amenity value is high enough.** Otherwise, there is no more protection to the tree than in situation 1 and it is their tree **and again really nobody else's business.** Parish and Town Councils often get involved in **completely irrelevant and inappropriate questioning** of the justifications for works proposed to trees in a Conservation Area that they have been notified of (These are NOT planning applications, just so called Section 211 notifications, not even technically legally required to be considered by Parishes) when what they should **ONLY** be doing is checking to see if the tree or trees are visible to their community and worthy of a TPO and therefore protection. Beware of over-reach.

3. **The tree is TPO'd** - because of its perceived amenity value to the community as a whole: **Responsibility for the safety and maintenance of the tree remains as always with the land occupier,** but any proposed works or felling normally needs to be cleared with the Local Authority first through a standard application form, who will only allow works or felling that they consider reasonably necessary in that situation, because of the amenity value of the tree to the community. Urgent safety works can of course be fast-tracked. Parish and Town Councils are then absolutely correct to get involved in questioning the justifications for works proposed to such important trees **in the interest of their communities, while still bearing in mind the rights and needs of a householder or landowner** to do what may be needed or reasonable or appropriate on their own property. In addition, however, TPO'd trees may also be worked on or felled following a successful planning application, which overrides a TPO, as the benefits of the development may be regarded as greater than the harms to the amenity of the area caused by the loss or reduction of the trees. Beware of over-reach.

NOTES: TPOs are generally ordered by the Local Authority (eg in Kent, Swale Borough Council). **Anyone can ask their Local Authority to make a TPO on any tree, trees or woodland thought to be of sufficient amenity value,** although "sufficient amenity value" is a very subjective issue and can be interpreted very rigorously if the Local Authority is disinclined to take on the administration and on-costs of first making the TPO and then maintaining it. To be of any amenity value it does of course have to be reasonably prominently **visible** to the community eg from public spaces, roads or footpaths.

For a number of reasons, TPOs are generally only made by a Local Authority when they consider it "**expedient**" - in other words often when the tree is under threat of reduction works or felling that, because of the amenity value of the tree, trees or woodland, would adversely affect the amenity value of the area. A sufficient threat might perhaps sometimes be if the land is being sold to a developer for example, but this is down to the Local Authority to interpret. This is a bit of a Catch 42, as how would anyone know a tree is under threat until works are being done or the land is sold to a developer. Developers buying land may therefore on occasion ask the vendors to remove any "difficult" (= possibly worth a TPO) trees long before the land is offered for sale, thus pre-empting any issues that might arise. However!

These personal reflections represent only my own developing views and reflections on these situations and should not be assumed to reflect the position or policy of any other body or organisation or constitute any form of advice or final opinion, and certainly has no legal foundation in any case whatsoever.”

- **St Mary’s Churchyard:** grounds maintenance & perimeter

A resident had offered to donate a tree to St Mary’s and in line with previous discussions Council had no objections and it was agreed that with the Diocese permission the Church could write and confirm the planting of a Amalakia Cherry Tree. The Council to be CC’d into correspondence for the record.

Church Railings – consideration of any works to reside with St Mary’s as Council only had responsibility for the grounds and no ownership.

Churchyard Perimeter Walls – Historical records to be investigated and ownership defined to ensure any necessary repairs were undertaken by appropriate body. Clerk to keep Members updated.

- **Hadlow College** – update on Fruit Tree & Polytunnels adjacent to A26

Noted.

- **Grounds Maintenance** – to consider sit down lawn mower

After considering costs of lawn mower maintenance and repair, Caretakers time it was agreed to continue with grounds contractor for such works.

- **Kent Live – to note article and consider action**

It was noted that there were inaccuracies in the report however no further action would be taken.

- **TMBC Community Safety Partnership** – Information Stand at Old School Hall Thursday 22 September

The Community Safety Team to hold an information stand at Old School Hall on Thursday 22 September from 11.45 to 3pm. The stand will have free crime prevention items that can be given out and advice given around scams and any other community safety issues anyone may have. It is a public event open to community at large.

- **Additional items noted but not on agenda:**

Medical Centre: Clerk gaining quotes for repairs to brick wall by medical centre bench, replacement PVC windows and sill painting, distribution board replacement, leaking roof between HOS toilet and medical centre toilet. With regards to the flower border this was to be replanted with the assistance of Hadlow Community Rural School students.

Lavenda had been suggested and Downderry Gardens approached for plants.

There being no further business the meeting closed at 22.02

Date of next meeting Tuesday 26/07/22 2022 at 7.30pm, location Parish Office

Signed

Dated