

HARPENDEN RURAL PARISH COUNCIL  
HERTFORDSHIRE

Minutes of a meeting of the Parish Council held at St Mary's Church, Kinsbourne Green on Monday 17 June 2024 starting at 7.00pm.

Present: Parish Councillors Sheffield (Chair), Crispin, Moore, Randall and Ring.  
Also in attendance: Andrew Reading (Parish Clerk). Tim Wright, Trustee, Friends of Kinsbourne Green. Kevin Moore, Alex Swanson and Richard Cuthbert from Hertfordshire County Council, Rights of Way via video link, for minute 64/2024.

**63/2024      Declarations of Interest**

Councillor Sheffield declared an interest as a Trustee of The Friends of Kinsbourne Green

**64/2024      Kinsbourne Green Common**

Kevin Moore, Richard Cuthbert and Alex Swanson joined the meeting via a video link.

Mr Moore updated the meeting on discussions with the owners of Pollards farm and the issue of whether a recently planted hedge encroached upon common land. The current situation was that the landowners had advised him around six weeks ago of new information that they wished to submit that would have a bearing on the matter. In view of that, Rights of Way enforcement had decided to defer a decision pending receipt and consideration of that new information, given it could have a significant bearing on the County Council's final decision. Mr Moore said that he would follow up on the matter shortly, as no further communication had been received since then. The Parish Council would be notified of the County Council's decision shortly after the landowners had been informed.

The Chair said that over time, it was likely that more parcels of common land fronting individual properties on The Common would be purchased by property owners. It would therefore be helpful to have greater clarity on what could and could not be done with that land and where permissions for works were required. The Parish Council was often the organisation that residents approached for advice about work happening on the Common and so it needed to be able to respond quickly and with a measure of expertise.

In response to questions, the Parish Council was advised as follows. Gravel driveways on common land were generally fine, whereas a tarmac drive would need consent. Consent would be required from the Secretary of State, and there was a specific process. Planting trees on common land was fine but not if they were too dense and inhibited access. On the question of parking on a parcel of common land owned by an individual, the circumstances would vary, depending on access to the property. The definitive map of the common from 1970 was on a small scale and the boundaries were ill defined. Each case was considered in its merits and attention was paid to local landmarks that were in place at the time the map was drawn.

**65/2024      Historic tenancy agreements and the costs of a tree condition survey**

Councillor Sheffield welcomed Tim Wright to the meeting and said that the Friends of Kinsbourne Green (FKG) had undertaken a biodiversity survey of the common and would be

putting in place a management plan. The intention was to maintain the land, broadly unchanged, for the benefit of local residents and the wider public, with a good mixture of grasses and trees. In terms of the triangle of common land managed by the Parish Council, the FKG were happy for the current arrangements to be continued. However, should the Parish Council wish to terminate the supplementary tenancy agreement dated 31 January 1973, then the regular mowing would cease. However, FKG felt that the cost of emptying the two dog waste bins should remain the responsibility of the Parish Council. The next step for FKG was to undertake a tree condition survey of all the trees on the common. One quote had been obtained by FKG from tma at a cost of £2834 plus VAT, of which £1692 plus VAT had been attributed to the Parish Council.

The Clerk reminded the Parish Council of a tenancy agreement it had entered into with the landowner of the common dated 26 April 1965, together with two supplementary agreements dated 25 May 1966 and 31 January 1973. There was no background information as to the reasons these leases had been entered into, as Parish Council minutes prior to 1979 were missing.

The issue of concern was with the 1966 lease which demised to the Parish Council a strip of land twenty feet wide around a large part of what was now Kinsbourne Green Common. The lease required the Parish Council to keep the land in good order and keep hedges brushed and trimmed but made no mention of maintaining trees. The problem was that in the intervening 58 years, trees had grown on the land, which hadn't been contemplated when the agreement was signed. So, it would now be potentially very costly to carry out any necessary tree works and certainly well beyond the means of the Parish Council. As referred to above, the Friends of Kinsbourne Green had asked for a significant contribution to the upcoming tree condition survey which would include these trees.

The Parish Council noted that the peppercorn rent of ten shillings/50 pence referred to in the three leases had increased to £1 at some point after 1973, as this was the figure referred to in Parish Council minutes post 1979. Therefore, one of two things would have happened. First, the 1966 lease was surrendered and a new lease granted at £1, or second, the lease was varied. Consequently, the Parish Council was of the view that there was no certainty that the 1966 agreement binded or could be enforced. However, the Parish Council wished to have a good working relationship with FKG and there was now an opportunity to introduce certainty going forward.

#### **66/2024      Date of next meeting**

It was noted that the next meeting was scheduled for 16 September 2024 at 7.00pm at St Mary's church in the Janet Campbell Room

#### **67/2024      Exclusion of press and public**

It was RESOLVED that the press and public be excluded from the meeting for the discussion set out in minute 68/2024, in view of the confidential nature of the business to be transacted. Councillor Sheffield also left the meeting in view of her trusteeship of the Friends of Kinsbourne Green.

**68/2024 Historic Tenancy agreements and cost of a tree condition survey**

Councillor Ring in the Chair

The Parish Council considered further the three historic tenancy agreements and upcoming tree condition survey and RESOLVED that

- (i) a contribution of up to £1000 be made to the Friends of Kinsbourne Green towards the cost of a tree condition survey to cover the whole of Kinsbourne Green Common now owned by FKG. The final amount payable would depend on seeing the quotes received and would need to be adjusted to allow for the additional VAT that FKG would be able to reclaim
- (ii) for the avoidance of doubt, the contribution of up to £1000 towards a tree condition survey did not mean that the Parish Council concedes it has had a demise of the land specified in the 1966 supplementary lease for the last 58 years
- (iii) the Parish Council continue maintaining the triangle of Kinsbourne Green Common as it has done since 1973 and continue to pay for the dog waste collection from the two dog bins on the Common. The existing supplementary lease from 1973 to be retained if possible
- (iv) the Parish Council look to serve a notice to quit the 1966 supplementary lease without prejudice to any contention that the 1966 lease may have already been terminated.

There being no further business, the meeting ended at 8.50pm

Clerk to the Council

Chair