



To: All Members of Killamarsh Parish Council Environment and Climate Change Committee

You are Hereby Summoned to attend a meeting of the Parish Council to be held on WEDNESDAY 15th November 2023 at 6:30 PM KILLAMARSH COMMUNITY HUB.

Yours sincerely

Mrs Gail Blank
Clerk & Responsible Finance Officer to the Parish Council

AGENDA

1 Chair's Announcements

- To receive the Chair's opening announcements.

2 Apologies for Absence

- To note apologies for absence given to the Clerk prior to the meeting.

3 Declaration of Disclosable Pecuniary & Other Interests

a) To receive declarations of disclosable pecuniary interests and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.

b) To receive, consider and record Councillors requests for dispensation (Section 13 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.

4 Adjournment for Public Participation

- To adjourn the meeting for 15 minutes to allow members of the public 3 minutes each to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.

5 Exclusion of the Press and Public - Public Bodies (Admissions to Meetings Act) 1960

- To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admission to Meetings) Act 1960 for matters appertaining to confidential or exempt information.

6 Minutes from the previous meeting

a) To approve the draft minutes of the meeting held on 11th October 2023.

b) To receive an update on any ongoing issues not covered as an agenda item.

7 Policies

a) To consider and approve the amended KPC17 Allotment Policy

b) To consider and approve the amended KPC7 Tree Policy

8 Trees and hedges

- To consider any action required on the diseased Horse Chestnut tree at the Village Green, after having received a report from the NEDDC Tree Officer

9 CCTV

- To consider and approve locations for the 6 x CCTV cameras and 4 x ANPR cameras in order that the Parish Council can apply to Derbyshire County Council for a licence to install

10 Village Green

a) To consider the legalities around preventing parking on a Village Green

b) To consider the planting of shrubs on the Village Green as a parking deterrent

11 Birchlands

- To consider and approve a recommendation to Full Council for the installation of play equipment at Birchlands Park

12 Community bus

- To consider and approve a recommendation to Full Council for the provision of a community bus service in Killamarsh

13 Grounds Maintenance

- To consider and approve a recommendation to Full Council to use an alternative grounds maintenance company for 2024/25

Report and quotations provided separately.

14 Items for discussion for a future agenda

- To notify the Clerk of any matters for inclusion on the agenda for future meetings

15 Date of the Next Council Meeting

- 24th January 2024

PUBLIC BODIES (ADMISSION TO MEETINGS ACT) 1960

Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which will give reasons for the public's exclusion in accordance with the Public Bodies (Admission to Meetings Act) 1960.

RECORDING OF COUNCIL MEETINGS

Under the Openness of Local Govt. Bodies Regulations 2014, the Council, members of the public and press may film, record or photograph a formal Council meeting when the meeting is in public session. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted.

PUBLIC PARTICIPATION

Notice is given that at a time agreed by the meeting, 15 minutes may be set aside for members of the public to make representation on the business of the agenda for the meeting. Any members of the public shall not speak for more than three minutes unless permitted by the Chair. A question asked by a member of the public during public participation shall not require a response or debate during the meeting though the Chair may direct that a written response will be provided subsequent to the meeting.

CORONAVIRUS

Killamarsh Parish Council will continue to monitor Covid-19 and act accordingly. Attendees are encouraged to register their attendance on arrival and to use the hand sanitiser provided. Members of the public who are unable to attend can email their questions to the Parish office (parish.office@killamarsh-pc.gov.uk) in advance of the meeting which will be read out under the public participation session.



MINUTES OF THE ENVIRONMENT AND CLIMATE CHANGE COMMITTEE HELD ON WEDNESDAY 11 OCTOBER 2023

Those present :

Chair : Cllr W Tinley

Vice-Chair : Cllr H Laws

Councillors : Cllr S Clough, Cllr C Lacey, Cllr J Sherman, Cllr J Windle

Officers : Mrs G Blank, Miss H Johnson

ENV163 Chair's Announcements

- To receive the Chair's opening announcements.

The Chair welcomed everyone to the meeting.

ENV164 Apologies for Absence

- To note apologies for absence given to the Clerk prior to the meeting.

All members were present.

ENV165 Declaration of Disclosable Pecuniary & Other Interests

a) To receive declarations of disclosable pecuniary interests and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.

None received.

b) To receive, consider and record Councillors requests for dispensation (Section 13 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.

None received.

ENV166 Adjournment for Public Participation

- To adjourn the meeting for 15 minutes to allow members of the public 3 minutes each to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.

A member of the public raised questions regarding the remedial tree work on the diseased Horse Chestnut Tree on the Village Green. The Clerk advised that the remedial tree work will be placed on a future agenda as the office are in the process of finding another tree surgeon for the work. The same member of the public requested an answer to the question raised at the last environment meeting regarding the full costs for the work carried out at the cemetery. The Clerk advised full costs will be published when all costs are known.

A member of the public requested update on the Anglian Water vehicle parked on the village

green. The Clerk responded that The Deputy Clerk has contacted Anglian Water, no response has been received yet.

ENV167 Exclusion of the Press and Public - Public Bodies (Admissions to Meetings Act) 1960

- To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admission to Meetings) Act 1960 for matters appertaining to confidential or exempt information.

RESOLVED: That the press and public should be excluded from item 12b due to personal information being discussed.

ENV168 Minutes from the previous meeting

a) To approve the draft minutes of the meeting held on 6th September 2023.

Cllr C Lacey requested the Vice-Chair error on the draft minutes be corrected from Cllr C Lacey to Cllr H Laws.

b) To receive an update on any ongoing issues not covered as an agenda item (report attached).

Allotments

Two notice to quit letters were sent out on the 25th September 2023, giving the tenants one months notice to remove all items from the plots.

Two other ploholders who were sent notice to improve letters have made significant improvements.

CCTV

At the meeting of Full Council on 24th July it was resolved that the installation of CCTV was approved as per the recommendation and the office is currently waiting for the outcome of a grant application to help fund the project.

Cemetery Gates automation

This is currently in progress:

1. A cubicle to house the meter has been fitted
 2. National Grid have installed the cables
 3. E-on fitted the electricity meter on the 6th October.
 4. Electric supply not fitted as of yet - an electrician has been arranged to enable connection.
- An installer has been arranged to automate the gates.

Norwood

An application to Derbyshire County Council for a licence to drop the kerb at the entrance to the playground has been made.

An application to Derbyshire County Council for a licence to install a new noticeboard near to the roundabout by the Sandwich Junction has been made.

Speed Indicator Devices

The SID's are ready to be installed, currently waiting for Derbyshire County Council to remove some signs from the posts where SID's are being placed.

Trees

The tree surgeon who had been commissioned to do the essential tree work on Parish Council land has unfortunately had to withdraw his quotation due to health reasons. The office is currently in the process of contacting alternative suppliers.

ENV169 Community bus

- To consider the options and cost implications of the Parish Council running a community bus (report attached).

Cllr C Lacey commented that a route towards Crystal Peaks would be beneficial. Cllr Tinley suggested looking into contacting businesses for advertisement and sponsor purposes. Cllr Laws suggested looking into a hire company to combat cost implications.

The Clerk advised the Deputy Clerk is currently waiting for responses from companies.

RESOLVED: The Community Bus to be added to the next agenda to receive any updates or information regarding companies responses.

ENV170 Budget

a) To consider and approve the budget requirement for 2024/25

Councillors considered the draft budget and made some amendments.

RESOLVED: The budget for 24/25 is approved.

b) To consider whether to increase the allotment annual rent for 2024/25

Councillors discussed the item and agreed due to the cost of living crisis there should be no price increase.

RESOLVED: No increase to be made to the annual allotment rent for 2024/25.

ENV171 Cemetery

- To consider and approve any further action to be taken with regards to the cemetery tap, following unsuccessful attempts to reduce the flow with a restrictor valve.

RESOLVED: All members agree no action to be taken on the cemetery tap.

ENV172 Birchlands

a) To consider and approve the siting of and type of play equipment to be installed at Birchlands, following the site visit on 4th October 2023 (examples attached). If approved the office will seek to obtain quotations for the specific type of play equipment required.

Councillors were asked to choose their preferred items of play equipment to allow the office to obtain quotes. All members agreed the equipment should be age appropriate to pre-school aged children.

RESOLVED: The office to obtain quotes for structures approved by members.

b) To consider and approve the installation of and siting of goal posts and a basketball net at Birchlands. If approved the office will seek to obtain quotations.

Councillors discussed the proposal and agreed quotes need to be obtained.

RESOLVED: Approved for the office to obtain quotes for goal posts at Birchlands.

ENV173 Neighbourhood Plan

- To consider and approve the tender document from Andrew Towleron Consultants for the

preparation of the Killamarsh Neighbourhood Plan - Phase 1

The Clerk asked for committee approval to apply for funding to cover the costs.

RESOLVED: That the tender document is approved, the office to apply for funding.

ENV174 Allotments

a) To consider and approve whether to recommend the creation of new allotment plots at Belkline, following the site visit by the Committee on 4th October 2023.

Councillors discussed the recent site meeting which included a discussion of the proposal. All were in agreement that the project would not be cost effective.

RESOLVED: All members in agreement to not go ahead with the creation of new allotment at this current time due to cost.

b) To consider and approve any action following an appeal by an allotment tenant against a notice to quit.

An appeal has been received by a tenant against a notice to quit decision made by the office. Councillors considered all the evidence and agreed that in this instance, the tenant had been given sufficient time and that the decision should stand.

It was agreed that the Allotment Policy be revised to include more involvement of committee members and included as an item for the next agenda.

RESOLVED: That the notice to quit notice stands.

ENV175 Items for discussion for a future agenda

- Grounds Contract
- Community Bus
- Tree Policy
- Allotment Policy - to include members being involved in inspections and taking the final notice to quit decision.

ENV176 Date of the Next Council Meeting

- 15th November 2023

The meeting closed at 7:37pm.



Update Report

TO:	Members of the Environment & Climate Change Committee
DATE:	15 th November 2023
SUBJECT:	Information about ongoing issues not included on the agenda
REPORT AUTHOR:	Judy France [Deputy Parish Clerk]

Information about ongoing issues not included on the agenda

Purpose of Report: To update members with information about ongoing issues not included on the agenda

2023/24 Top Priorities

1. CCTV – on the agenda
2. Cemetery gates automation – update below
3. Birchlands play equipment – on the agenda
4. Purchase of parish vehicle – not started
5. Community bus – on the agenda

Future projects

Memorial gardens development
Playground at Highmoor
Climate change action plan

Allotments

- A plot holder at Station Road has given up their allotment so there are now three available allotments (two ploholders were served notices to quit) which are being offered to the next people on the waiting list.

Cemetery Gates automation

This is currently in progress:

1. A cubicle to house the meter has been fitted - £759.95
2. National Grid have installed the cables - £2323.31
3. E-on have fitted the electricity meter – no charge for installation
4. An electrician has enabled the connection for the automated gates - £500
5. **An installer has been arranged to automate the gates - £2800**

Total = £6383.26 (VAT exc.)

Neighbourhood Plan

Two recent meetings (September and November) been held with Andrew Towler Associates who are supporting the Parish Council on the development of a Neighbourhood Plan for Killamarsh. The Parish

Council have received a grant of £1850 in the first instance from the Department for Levelling Up, Housing & Communities (DLUHC) to support the process.

Norwood

We are still awaiting the outcomes of the two licence applications to DCC to install a dropped kerb at the entrance to the playground and to install a new noticeboard near to the roundabout by the Sandwich Junction.

Speed Indicator Devices

The SIDs are ready to be installed, we are still waiting for Derbyshire County Council to remove some signs from the posts where the SIDs are being placed.

Tree maintenance report

The office is currently in the process of meeting with tree companies to obtain a report and quotes for any essential tree work on Parish Council land. The local companies approached are either on the DCC Trusted Trader list or the Arboriculture Association approved contracts list.

Killamarsh Parish Council

DETAILS OF POLICY	
Policy No	KPC17
Policy Title	Allotment policy
Committee/Working Party Responsible	Environment & Climate Change Committee
Version	Amended November 2023
Adoption Date	
Details of Revisions	Amending clause 17 to state: Decisions relating to terminating a tenancy shall be approved by the Environment & Climate Change Committee.

The Policy

It is the policy of Killamarsh Parish Council (the Council) to seek to provide allotments to satisfy the requirements of residents of the village. They shall be let on an annual basis and provided that all conditions of tenancy have been adhered to and the Parish Council does not require the land for its own purposes, the sitting tenant shall have the first option on their existing plot for the following year. The Council will give 12 months' notice when a plot will cease to be available and will endeavour to find an alternate plot for the occupant. The year will run from April 1st to March 31st.

Where there are insufficient plots to satisfy all requests:

- No plot shall be let to any person who is not a resident within the village of Killamarsh.
- A waiting list shall be maintained.
- Not more than one plot shall be let per household.
- When a plot becomes available it may be re-let immediately, to the first person on the waiting list. If not let within a week it shall be offered down the list.
- If a plot is refused or there is no reply within the time frame above then the person will be moved to the bottom of the waiting list.
- Letting for a part year will incur a pro-rata annual payment.
- The offer of a plot to a tenant is on the basis that, if he/she agrees to take the tenancy, the plot will be let in the condition as seen.

TERMS AND CONDITIONS

1. The Council shall let to the Tenant for a period of one year to year an Allotment Garden at an agreed rent falling due on the seventh of April each year or the seventh day of first month after the commencement of the tenancy. Payment of the said yearly rent shall be paid to the Parish Clerk within 30 days of its due date. The tenant will be considered to be in breach of this provision if payment is not received within the prescribed period.
2. The tenancy is with the approved tenant only and shall not be transferable.
3. New and sitting tenants will be required annually to provide proof of identification (Drivers Licence, Passport, Utility Bill), to maintain an Allotment Garden.
4. The tenant shall not assign the tenancy nor sub-let or part with the possession of any part of the Allotment Garden.
5. Provided that all conditions of tenancy have been adhered to and the Council does not require the land for its own purposes, the sitting tenant shall have the first option on their existing plot for the following year.
6. The amount of the yearly rent shall be reviewed annually by the Council.
7. The Council shall pay all rates, taxes, dues or other assessments, which may at any time be levied or charged upon the Allotment Garden.
8. The Council reserves the right of access over all areas of the allotment gardens,
9. The tenancy may be terminated by the Parish Council serving on the other not less than twelve months written notice to quit expiring on or before the 6th day of April or on or after the 29th day of September in any year. The tenant may terminate the tenancy agreement with one month's written notice given. No rental refund will be given.
10. If the tenant shall have been in breach of any of the provisions of the Agreement for a period of one month or longer the Council may re-enter upon the Allotment Garden and the Tenancy shall thereupon come to an end but without prejudice to any right of the Council to claim damages for any such breach or to recover any rent already due before the time of such re-entry but remaining unpaid.

11. The tenant shall permit the inspection at all reasonable times of the Allotment Garden by any representative of the Council.
12. Following the receipt of any complaint against a tenant the Council will consider the complaint and if they consider the complaint justified, they will issue a written warning to the tenant and the tenant will be given a specified period of time, as set by the Council, to make good any situation, as detailed in the written warning. Failure to comply with the request(s) within the written warning or on any recurrence will be considered to be a breach of this provision.
13. On the termination of this tenancy the tenant shall be entitled to receive such compensation as is provided for by the Allotments Act 1908 to 1950 and any subsequent relevant legislation, but if the tenant shall have been paid or promised any compensation by any incoming tenant of the Allotment Garden the tenant shall, before claiming any compensation from the Council, give to it notice in writing of the matters in respect of which any such compensation has been paid or promised.
14. The tenant shall during the tenancy carry out the following obligations:
 - a) keep the Allotment Garden clean and in a good state of fertility and cultivation;
 - b) not cause a nuisance or annoyance to the owners or occupiers of land adjoining the Allotment Garden and no shrubs, bushes or trees shall be planted which deprive adjoining plots of adequate light;
 - c) not keep any animal in the allotment without the express consent of the Council;
 - d) dogs may be brought onto an Allotment Garden subject to the following conditions: they must be well-behaved; kept on a lead and under control at all times; not be left unattended; not be allowed onto another tenant's plot; dog waste must be cleared up immediately and removed from site;
 - e) except for buildings or structures which are reasonably necessary for the keeping of hens and rabbits referred to in (c) above and which may be subject to the tenant first obtaining planning permission, the tenant shall not erect a shed, greenhouse or other building or structure on the Allotment Garden without first obtaining the Council's written consent and if appropriate planning permission;
 - f) not fence the Allotment Garden without first obtaining the Council's written consent;
 - g) maintain and keep in repair the fences and gates forming part of the Allotment Garden;
 - h) trim and keep in decent order all hedges forming part of the Allotment Garden;
 - i) not plant any tree, shrub, hedge or bush without first obtaining the Council's written permission;
 - j) not cut, lop or fell any tree growing on the Allotment Garden without first obtaining the Council's written consent and if appropriate planning permission;
 - k) be responsible for ensuring that any person present in the Allotment Garden with or without the tenant's permission does not suffer personal injury or damage to his property;
 - l) not obstruct or permit the obstruction of any of the paths or roads which provide a means of access to and from the Allotment Garden or the Allotment Garden of another tenant.
 - m) given the proximity of residential properties, due consideration should be given when having bonfires at the allotment site. Bonfires are not to be left unattended at any time.
 - n) no structure or building shall be erected on the allotment without the consent of the Council in any event no structure greater than 2meters in height.
 - o) the tenant shall maintain in decent order all footpaths bordering the north and west sides of their plot and shall not obstruct or permit the obstruction of any of the paths on the Allotments set out for the use of the tenants of the Allotment Gardens;
 - p) the tenant shall cultivate the Allotment Garden for, and shall use it only for, the production of fruit, vegetables and flowers for domestic consumption and not for commercial purposes. No business or profit-making schemes or selling of produce from an Allotment Garden is allowed, unless sold by, and for the benefit of a charity;
 - q) any compost bin provided by Killamarsh Parish Council shall remain the property of the Parish Council and must remain with the allocated plot. Any tenant giving up their plot must not remove the compost bin, otherwise they will be invoiced for the cost of a replacement.
 - r) the tenant shall have at least $\frac{1}{4}$ of the Allotment Garden under cultivation of crops after 3 months and at least $\frac{3}{4}$ of the Allotment Garden under cultivation of crops after 12 months and thereafter. NB in winter months cultivation to include dug over and prepared for planting.
 - s) to prevent the growth and spread of Legionella keep water storage containers such as tanks and butts clean by emptying and scrubbing out once a year. Insulate them to reduce temperatures increasing in warm weather or paint them with a light colour to reflect the heat. Lids should be fitted to reduce the risk further and to avoid the risk of small animals drowning in open water containers.
15. The tenant shall observe additional rules that the Council may make or revise for regulation and management of the Allotment Garden and other allotment gardens let by the Council.
16. The tenancy may be terminated by the Council by service of one month's written notice on the tenant if:
 - a. the rent is in arrears for 40 days or;
 - b. three months after the commencement of the tenancy the tenant has not observed the rules referred to in clause 14; or
 - c. the tenant lives outside the PARISH OF KILLAMARSH
17. **Decisions relating to terminating a tenancy shall be approved by the Environment & Climate Change Committee.**
18. On the termination of the tenancy, the tenant shall remove any shed, greenhouse or other building or structure erected in the Allotment Garden unless the Council agrees otherwise which shall be confirmed in writing to tenant.

19. Any written notice required by the tenancy shall be sufficiently served if sent by registered post to or left at the parties' address. Any notice to be served by the tenant shall be addressed to the Parish Clerk.

Killamarsh Parish Council

DETAILS OF POLICY	
Policy No	KPC7
Policy Title	Tree Management
Committee/Working Party Responsible	Environment Committee
Version	Amended November 2023
Adoption Date	
Details of Revisions	Amendments for consideration in red below - sections 2.1 and 7

The Policy

Killamarsh Parish Council has produced this policy to guide and influence all decisions affecting the management of trees and hedges within the village. The policy will dictate how the Parish Council manages the land within its jurisdiction and will guide landowners and residents when considering their trees and hedges. However, every landowner remains responsible for trees and hedges on their property and Killamarsh Parish Council, in enacting this policy, in no way accepts any liability for trees and hedges not on its property. If any aspect of this policy conflicts with statutory planning law or any aspect of common law or liability, the law takes precedence.

Trees are a highly valued feature of the parish of Killamarsh; they make an enormous contribution to the character and beauty of our landscape and create/maintain environments rich in biodiversity. Killamarsh Parish Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population.

We also recognise that, although trees are a positive feature, they can be the cause of a range of problems from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to the public or property and are managed appropriately.

This policy sets Killamarsh Parish Council's approach to tree management.

1. Trees on Killamarsh Parish owned/managed land.

Killamarsh Parish Council (The Council), working in partnership with North East Derbyshire District Council (NEDDC), help to ensure that the discretionary power to provide and maintain trees on open spaces and amenity land under the Open Space Act 1906. As such there is a responsibility to ensure trees within our ownership/management are maintained in a safe condition and not causing an unreasonable danger or actionable nuisance.

All enquiries regarding trees on Killamarsh Parish Council Land should be directed to **0114 2472260** or parish.office@killamarsh-pc.gov.uk

2.1. Inspection of trees

We work to a risk-based approach to tree management: a programme of inspection identifying and prioritising potential hazards. ~~As NEDDC carry out the inspections behalf of the Parish Council, Killamarsh Parish Council have adopted any NEDDC Corporate Tree Risk Strategy to tree inspection priorities.~~

~~Killamarsh Parish Council will adhere to the NEDDC Corporate Tree Risk Strategy with regards to tree inspection priorities.~~

Commented [DC1]: Remove

2.2 Tree maintenance

Our tree maintenance work will be conducted as a result of information gathered during pro-active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- Programmed and routine inspections by a qualified tree inspector/consultant:

- Ad-hoc inspections by the North East Derbyshire District Council and Killamarsh Parish Council following enquiries, reports and service requests:
- Reports from residents:
- Enquiries from County, District and Parish Councillors:
- Reports from utility companies:
- Cyclic maintenance;
- Emergency works (e.g. resulting from high winds).

The following categories will be used when prioritising tree works:

Priority	Response
Priority 1: Urgent Public Safety	From within 24 hours to one week depending upon the risk.
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year.
Priority 3: Desirable	12 months where possible.
Non-priority	No action proposed

4.1 Obstructing/Overhanging Tree Branches

We will undertake work to trees to allow safe use of footpaths and roads.

We will not prune trees that overhang neighbouring properties unless the trees are dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc). This will ensure that damage to property such as aerials, tiles or gutters avoided.

Adjacent Landowners do have a common law right to prune back tree branches to their boundary, providing that this would not lead to the tree death and proving that the tree in question is not prohibited by a Tree Preservation Order (TPO) or situated in a Conservation Area.

4.2 Shading and Loss of Light or view

Trees are often perceived to block light or views to nearby properties. However, pruning or removal of trees will have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

4.3 General/Minor Nuisances

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees. Examples of such problems are:

- falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- insects associated with trees (spiders, wasps, flies etc);
- reduction or increase of moisture to gardens;
- suckers or germinating seedlings in gardens;
- leaves falling into gutters, drains or onto flat roofs;
- the build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

4.4 Trees considered too big/too tall

We will not prune or fell a tree under council ownership/management because it is considered to be 'too big' or 'too tall' for its surroundings. Trees grow adaptively to support themselves in relation to their surroundings and the typical loads they can be expected to experience.

2. Damage and tree roots

Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

2.1 Damage to walls and fences

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore where trees are considered to be causing damage to walls or fences, we will only consider removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall, one of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

2.2 Damage to drains or water pipes

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

2.3 Trip hazards

We will make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership/management.

2.4 Installation of drop kerbs

We will consider felling or pruning the roots of a tree under our ownership/management to allow the installation of a drop kerb. Each case will be considered on an individual basis.

3. Protected trees

3.1 Tree Preservation Orders (TPO's)

A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value. A TPO prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission.

Killamarsh Parish Council recognises its responsibilities in regard to its trees that are protected by TPOs.

3.2 Trees in Conservation Areas

It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a Conservation area without giving prior written notice to Killamarsh Parish Council who in turn will notify North East Derbyshire District Council.

The Parish Council recognises its obligations when undertaking works to trees in conservation areas.

4. Other factors constraining work to trees

4.1 Birds

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal/reduction and hedge cutting operations should not normally be undertaken during bird nesting/breeding season. Which is considered to be from 1st March to 31st July.

4.2 Bats

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any tree supporting roosting bats will not be worked on until Natural England is consulted.

4.3 Restrictive Covenants

Occasionally, restrictive covenants attached to be deeds for a property may restrict what work can be undertaken to trees.

5. Vandalism and damage to council owned/managed trees

Vandalism is an increasing pressure on trees. Usually it is young newly planted trees that are damaged; however, mature trees are often damaged too. There are various ways in which vandalism can be counteracted, but none of these is 100% effective against determined attack.

The main methods of deterring vandals are to plant large numbers of very young trees, known as whips, or to plant larger robust trees depending on the site. Another method is to put guards or fencing around trees, but these have to be large enough and strong enough to offer real protection.

This latter approach tends to be the most expensive method and only appropriate in very high profile positions. In the long run, increasing environmental awareness within schools and communities should help reduce vandalism. There are cases where trees we own/manage have been irrevocably damaged or removed without permission. We will investigate any reports of vandalism/damage to trees in our ownership/management, and try to repair any damage where we can.

Where possible, legal action against the person(s) causing damage will be taken.

6. Biosecurity/Post & Epidemic Management

Biosecurity is a set of precautions that aim to prevent the spread of pests, pathogens or invasive species. The threat to trees from these has never been greater. We will undertake to follow best practice and specific advice which is regularly published by the Forestry Commission.

7. Tree pruning techniques and who carries out the work

Killamarsh Parish Council will seek to ensure that tree works are carried out to the highest standards. We will work with North East Derbyshire District Council (NEDDC) **and other appropriately qualified tree surgeons and consultants** to ensure that pruning conserves the overall amenity value, form and shape of the tree. All tree works must be carried out in accordance with British Standard 3998 – Recommendations for Tree Work. Particular pruning specifications may or may not be appropriate for trees of different ages, species, health and condition, or even between trees of the same species depending on their condition, age and environment. Clear and acceptable pruning objectives are necessary in advance of approval of a pruning specification.

Commented [DC2]: add

7.1 Stump Grinding

Stump Grinding is the practice of removing a tree stump to below ground level by mechanical means. Stump grinding will be carried out where necessary to enable new trees to be planted or to remove a significant hazard. Where stump removal is not necessary, tree stumps will be removed to ground level so as not to leave a trip hazard.

8. Damage Caused by Trees

8.1 Direct damage to property

Tree roots, stems and branches get thicker each year via a process called secondary thickening. Over time as they increase in size, they can disrupt or distort adjacent structures and surfaces. This is generally limited to 'lightly loaded' structures such as low walls, fences and paving. Trees generally deflect around more 'heavily loaded' such as houses. In such circumstances alternatives to tree removal will be explored (i.e. engineering solutions). The asset value of the tree will be considered against the cost of alternatives. (i.e. applying the CAVAT (Capital Asset Valuation of Amenity Trees) system of evaluation. We would look to NEDDC to advise in this.

8.2 Indirect damage to property (Subsidence)

Incidents of subsidence related damage involving Council owned/managed trees may be rare; however there may be areas of shrinkable clay soil within the Parish.

Throughout the growing season, as part of the growth process, trees extract water from the soil and release it into the atmosphere. On highly shrinkable clay soils this can result in soil shrinkage or movement which, in specific circumstances, can lead to the differential movement of structures with the potential for damage. Such soil movement can also be attributable to a wide range of other factors including the climate, surface vegetation such as grass or shrubs, drainage issues and other factors linked to the design and installation of the structure/building. Careful analysis of a range of evidence is required to determine the cause on the balance of probabilities. As set out in the accepted national guidance document 'Subsidence of Low Rise Buildings' (Institution of Structural Engineers 2000) other potential influencing factors should be eliminated before the assumption is made that trees are the cause of structural movement. Recent case law has helped to clarify the court's perspective on this issue and set out that alternative solutions to tree removal should be considered; and also clarified how tree owners should proactively manage the risk from trees on clay soils.

The Council will review its land holdings where there have been successful claims of damage and review if there are trees in this area which are likely to post a 'real risk' and will take appropriate action, in partnership with NEDDC and others where necessary.

8.3 Subsidence

While we recognise our responsibilities for the trees in our ownership/management, we will expect any claim against our own trees to be supported by sufficient evidence to show that the tree in question is a contributory factor in the subsidence. Where this evidence is provided, we will obtain expert specialist advice to verify submitted evidence as necessary. We will therefore require the following information in order to consider a claim associated with tree related subsidence:

- description of type of damage;
- indication of seasonal movement;
- levels and distortion survey;
- visual evidence of damage;
- depth of foundations demonstrated from excavation trial holes;
- analysis of soil type under foundation;
- presence and identification of tree roots.

We will not normally subject our trees to regular heavy pruning to deal with suspected damage. Instead we will where feasible opt for removal and replacement planting with an alternative species that is less likely to cause future problems.

8.4 Heave

When a tree is removed in a clay sub-soil, the soil will rehydrate and swell in volume. The expansion may lift the foundations and cause cracking to the property. This is known as 'heave'. This is more likely to occur if the removed tree was mature and had a high water demand such as an oak tree. No liability, at present, falls upon a local authority for damage due to heave resulting from tree removal where this is requested by a third party.

8.5 Insurance Claims

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Council's insurers.

Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

9. Protection and Enforcement

The Council, working with NEDDC, will adopt a robust approach to damage to its property. Where council owned/managed trees are felled or damaged without prior consent, the matter will be referred to the police. Civil action will be considered to recover compensation for the loss of the tree and/or any remedial works, including replanting with a suitable replacement, and aftercare. Accepted tree valuation methods will be applied, where appropriate, to establish a monetary value of the tree/s. Officer time investigating damage may also be incorporated in any claim.

The Council will also consider the use of Tree Preservation Orders in conjunction with the Local Planning Authority to increase the legal protection afforded to specific trees or woodlands which are considered to be under threat. Where damage is caused to a tree which is protected by a Tree Preservation Order, the Council will consider prosecution.

10. Tree Planting

The principle aim of new planting will be to maintain and increase tree cover within the district and to achieve a robust and diverse tree population, well suited to the planting location and able to meet the challenges of a changing climate and pests and disease, whilst maximising amenity, biodiversity and other tree related benefits.

All new tree planting will utilise high quality, disease free planting stock from reputable suppliers grown to British Standard 3936.

Planting will be undertaken following the principles set out in the British Standard 8545 (2014) Trees: From Nursery to Independence in the Landscape – Recommendations.

The ultimate aim will be a robust tree stock of varied age distribution and a wide range of appropriate

species and generic material.

The Council working with NEDDC, will explore options relating to the provenance of trees (both in terms of origin of seed and all parts of the growing process) and will look for opportunities to support those suppliers who grow high quality, disease free trees which are likely to be suitable for the future. This will help to reduce risks associated with the importation of trees and soil which are a significant source of pests and disease which threaten UK trees.

The Council and NEDDC will investigate the potential to source trees which meet this criterion and will support and work with those suppliers who can help achieve this goal.

Trees will be selected which will be specifically suited to their location for the long term and will minimise future conflicts.

There will be an overriding bias towards the planting of larger species of tree which provide correspondingly greater benefits. However, smaller species will be considered where appropriate, including the potential creation of community orchards where there is local support and suitable sites available.

The Council is committed to replanting trees following a tree removal. Wherever possible at least one replacement tree will be planted for each tree removed. Where, due to location or other issue this is not appropriate.

11. Aftercare

Good aftercare for 2-3 years after planting is essential to ensure that the investment in trees is not wasted; this is particularly true for larger 'standard' trees. Aftercare of trees can be time consuming and expensive.

The Council will actively seek to involve the local community to help with watering and aftercare of newly planted trees (also giving them a vested interest in the future health of the tree). The Parish Council's employees will be asked to undertake the required watering of the newly planted trees. However, in certain circumstances, a contractor will also be considered to be employed to water trees on a regular basis. The Council will seek to plant tree stock, where possible, which has a lower aftercare requirement, increasing the cost effectiveness of planting schemes.

12. Non-covered Works

If action on any tree is required by a member of the public which is not covered by our policy, then the householder or organisation must apply for Tree Protection Order consent. If appropriate North East Derbyshire District Council will supply the Parish Council with a copy of the application and any subsequent permission. If the tree is not covered by a Tree Protection Order then permission must be given in writing by the Parish Council. If permission is granted for the work the applicant must obtain quotations from contractors approved by the Parish Council and arrange for the works to be carried out at their own expense. All works, when completed, will be inspected by the Parish Council.



Killamarsh Parish Council

Update Report

TO:	Members of the Environment & Climate Change Committee
MEETING DATE:	15 th November 2023
SUBJECT:	Tree on the Village Green
REPORT AUTHOR:	NEDDC Tree Officer



Purpose of Report:

To update the committee with information (below) from the NEDDC tree officer with regards to the diseased tree on the Village Green

Observations.

- Horse chestnut leaf blotch (*Guignardia aesculi*) – a widespread and common fungal disease affecting Horse Chestnut, with little significance.
- Horse Chestnut leaf minor (*Cameraria ohridella*) – a widespread and common larvae of a leaf mining moth which feed on leaves, with little significance.
- Fractured stub of branch previously lost on east aspect of crown and associated gap in remaining crown. Significant as exposes heartwood.
- Wound on northern aspect of leading stem from previous failure of included union. Significant as exposes heartwood.
- 25cm wide longitudinal wound on east aspect of stem from base of tree and extending into the crown and up to the leading branch of the crown. Decay probed to a depth of 30cm. Significant as exposes heartwood and heartwood is becoming decayed.
- Senescent fruiting fungal body of what I believe is wood-decay fungus 'Dryad saddle' (*Cerioporus squamosus*) at location of wound associated with included union failure. Infrequently associated with failure of branches or stem.
- Fractured union of lowest branch on north aspect of crown. Significant as complete failure of this union is very likely.
- Lower than expected crown opacity throughout and especially at the top of the tree. Significant as it can indicate root damage or dysfunction.

Discussion.

There are two main concerns. Firstly, the fractured union on the north aspect of the crown has a very low safety factor. It is foreseeable that the union will completely fracture in the near future, causing the two branches arising from the union to fall into the open space. Secondly, the decay found through probing within the stem is now at such an extent, that some works are justified to mitigate the concern of stem fracture. The wood decay fungi *Cerioporus squamosus* is usually considered to be confined locally with a wound, such as where the included union failed. However, the decay can become extensive where it is able to spread into coalescent zones of dysfunctional wood exposed by multiple wounding, such as with this tree. The tree now has to lay down new wood annually at a rate which matches or out paces the rate of decay within the

heartwood. As mentioned previously, Horse Chestnut does not have a durable heartwood when compared to other tree species, so this is a disadvantage. The physiological performance of the tree will somewhat determine how well the tree can respond. As noted within the observations above, this tree is facing a number of challenges which will inhibit physiological performance, namely the thinning crown, which is symptomatic with root damage or dysfunction, but also the presence of *G. aesculi* and *C. ohridella*, which themselves are of little concern but collectively alongside other issues contribute towards inhibited physiological performance. As the tree is located within the public space with open access, I would recommend some work is undertaken to address the concerns of potential tree failure. Let's look at a couple of options.

Recommendations

Management Option 1

Fell the tree. The tree is still relatively young for the species and already facing a number of challenges. The challenges it faces will prevent the tree from achieving the expected life expectancy for the species and limit the ultimate size of the tree. As such, I would recommend removal would be justified and there is plenty of space to plant a replacement tree.

Management Option 2

Undertake pruning to significantly reduce the height and spread of the tree. A Crown Reduction to reduce the height and spread of the tree would reduce the likelihood of failure of the fractured branch union or failure of the stem due to decay. The amount of reduction would have to be significant, and the appearance of the tree would be somewhat diminished from its natural form, although justified. The fractured branch union will never likely repair, and it is unlikely the tree will ever be allowed to grow to a height or spread beyond what it is currently. If the tree responds well, and doesn't enter a spiral of decline, you will have to undertake repeated cycles of pruning to keep the height and spread of the tree in check. This is a management consideration and one which I cannot advise, although I would expect you may want to repeat the cycle of pruning every 5 years. The benefits of this are, you retain important habitat for biodiversity. Standing volumes of decaying wood provide especially important habitat for invertebrates and fungi, which may otherwise be unavailable in locations due to people's perceptions around health and safety, aesthetics, and preconceptions. Regardless of these perceptions, serious consideration must be given before a potentially valuable habitat is removed. The other advantage is that, whilst you retain and manage the tree forward, you have time and opportunity to plant successional planting. Plant the replacement tree now and allow it to establish before you face the time you must remove the Horse Chestnut. Currently you have a somewhat even-aged group of trees on the quadrant, managing the Horse Chestnut as a veteran tree and planting a new tree will improve the structure and succession of the group.

Should you wish to crown reduce the tree I would suggest you specify a reduction in height from the current 10 metres to 7 metres and a crown radius from the current 6 metres to 4 metres. In addition, reduce the length of branches arising from the fractured union on the north aspect by at least 50% but do not remove the branches completely back to the fracture. After this, monitor the performance of the tree in the next year.

Other Observations and Recommendations

Whilst I was onsite, I took opportunity to quickly look at the other trees on the site. I noticed that there is considerable root girdling around the base of trees. This is indicative of poor planting stock when the trees were originally planted, and this causes problems later in the life of a tree. If you do opt to plant a replacement tree, ensure the quality of the tree being planted is good. Poor nursery practice before planting can seldom be rectified after the tree has established and often results in a shortened life of the tree. Secondly, root compaction through vehicles being parked off the road and onto the rooting area of trees damages the roots. It is likely the cause of the thin crown of the tree. Let residents know that their parking on the roots of the trees will kill them. A good practice is to mulch around the base of the tree to the extent of the crown spread. This improves soil quality, reduces competition, and lessens water loss.; it also gives a visual reminder to motorists to avoid parking under the tree.

Item 9

Potential CCTV Camera Locations

Camera 1 – Sheffield Road lamppost opposite Netherthorpe Lane – unfortunately the number has faded and cannot be read, this would have to face towards the roundabout due to foliage. We did discuss right outside the Midland but that lamppost is right outside someone's bedroom window.



Camera 2 – Same place as the current camera on the Precinct, there is no lamppost number as its on its own post and the nearest lamppost has no number on it.



Camera 3 – Sheffield Road lamppost (53722) opposite Stanley Street in position of current camera.

Camera 4 – There are 2 choices here just in case there is an issue with lampposts, 1) on lamppost (53424) outside Sandwich Junction, on roundabout. 2) on lamppost (133405) opposite Sherwood Road.



Or



Camera 5 – Mansfield Road, Highmoor lamppost (53454) opposite junction of Woodhall road, there are a lot of signs on this lamppost but it should be ok high up. Second option here would be next to bus stop just after Travellers Arms pub, unfortunately only half the number can be seen as the Christmas Tree bracket has been placed over it (it may be 53456 but only 456 is showing)



Or



Camera 6 – Uppertorpe Road lamppost facing Nags Head pub to the right-hand side. Unfortunately the numbers have faded and can't be identified easily. There is an alternative option, on the lamppost, on the island opposite the Nags Head but this may not pick all Uppertorpe Road up effectively.



Or



Now one question I did have was, I thought we had discussed one at the bottom of or on Bridge Street itself, if we did we may need to reconsider another one or losing one of the other locations.

Most cameras are not directly outside someone's house, so should be ok.

THE PROVISION OF PLAY AND SPORTS EQUIPMENT ON VILLAGE GREENS

Introduction

1. Town and village greens are open spaces that local inhabitants can use for 'lawful sports and pastimes' registered under the Commons Act 1965 or the Commons Act 2006. What constitutes 'lawful sports and pastimes' may vary from place to place but can include both organised and unorganised outdoor recreational activities. The courts have not defined 'lawful sports and pastimes' but have stated that its scope is broad and can include sports such as cricket, tennis, football and bowls. In the House of Lords (now the Supreme Court) case *R v Oxfordshire County Council ex parte Sunningwell Parish Council* ("Sunningwell"), 'pastimes' were held to include:
 - dog walking;
 - children playing;
 - flying kites;
 - picking blackberries;
 - fishing; and
 - tobogganing in the snow.
2. Local councils can erect equipment (either temporary or permanent) for lawful sports and pastimes, including children's play equipment (such as swings and roundabouts), goal posts, tennis courts, cricket nets and other permanent or seasonal sports.
3. Specific planning permission is not required for the erection or maintenance of small buildings, works and equipment intended for recreation on council land (see paragraph A, part 12 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 SI 1995/418).
4. Non-recreational activities on village greens are generally unlawful and often criminal, pursuant to section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876. The two acts are known as "the Victorian Acts".
5. Section 12 of the Inclosure Act 1857 states that it will be an offence:

'If any person wilfully cause any injury or damage to any fence of any such town or village green ... wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes or rubbish or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green ... or to the interruption of the use or enjoyment thereof as a place for exercise and recreation.'

9. Section 29 of the Commons Act 1876 states:

'an encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance ...'

10. Section 29 of the Commons Act 1876 is particularly relevant to the placing of equipment on a green. To do so is undoubtedly an 'encroachment' and an 'erection' on a green and is thus unlawful **unless** carried out 'with a view to the better enjoyment of' the green. Clearly, any play or sports facilities provided to assist local people to indulge in lawful sports and pastimes come within the exception, so that a local council may lawfully provide these on a village green without infringing the Victorian Acts.

11. It is not always easy to determine whether an activity amounts to an 'interference' or an 'interruption' or is for 'the better enjoyment' of a village green. There has been very little case law to assist with interpretation. In *R (on the Application of Laing Homes Limited) v Buckinghamshire County Council* (2003) the High Court stated simply:

'If a village green is established, any other use involving acts which would interrupt its use for enjoyment and recreation are effectively prohibited.'

12. NALC takes the view that the following activities may be undertaken for 'the better enjoyment' of a village green:

- the siting of cafés, sports pavilions, bowling areas, tennis courts, football and cricket pitches, and skate boarding parks; and
- fetes (this was considered a use compatible with a village green in Sunningwell.)

13. There is a limitation on the size of any building built on a village green. Under section 20 of the Open Spaces Act 1906, an open space, which includes a village green is defined as :

“any land, whether inclosed or not, on which there are no buildings or of which not more than **one-twentieth part** is covered with buildings, and the whole of the remainder of which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied:

14. NALC takes the view that the following activities may not be undertaken for the better enjoyment of village greens and may, therefore, be unlawful:
- general car parking (i.e. which is unrelated to the recreational use of a green);
 - private driveways;
 - some (intrusive) wayleaves; and
 - the siting of mobile telephone masts.

The test under section 29 of the 1876 Act is whether the erection is made with a view to the better enjoyment of the town or village green. If it is, no offence of public nuisance is committed. Local consultation and perhaps consultation with a group like the Open Spaces Society (who are active in opposing infringements on town or village greens) may be a sensible precaution - see

<http://www.oss.org.uk/?gclid=Ci6E8N-uv8YCFQoYwwodVYcNpA>

15. The issue of easements over village greens is covered in Legal Topic Note 57 Easements over Common Land and Village Greens.
16. In a few cases, rights of common (e.g. to graze animals) have been registered over a green. These rights co-exist with the right of the local inhabitants to use the green for recreation. If play equipment etc. is placed on such a green which obstructs the exercise of common rights, the right holders are entitled to take legal action to remove the obstructions. Accordingly, the council should ensure that play equipment does not interfere with the exercise of commoners' rights before putting it on the green. Additionally, where a village green is subject to rights of common, reference should be made to section 38 of the Commons Act 2006 (England only) which prohibits works without consent.

Bringing Proceedings under the Victorian Acts

17. Under section 12 of the 1857 Act, the ‘churchwarden or overseer of the parish in which such town or village green or land is situate, or ... the person in whom the soil of such town or village green or land may be vested’ may commence proceedings in a magistrate’s court. Section 189 of the Local Government Act 1972 states that any reference to a ‘churchwarden or overseer’ should be read as referring to the parish council (or parish meeting if there is no separate parish council), or the community council.

18. A breach of section 29 of the 1876 Act may be prosecuted by the persons mentioned above and also by ‘any inhabitant of the parish in which such town or village green or recreation ground is situate.’

19. The Victorian Acts give power to parish councils, owners and inhabitants to commence proceedings. It is not entirely clear whether the police also have the power to commence proceedings as no express power is given to them. In NALC’s view, the police do have the power. Some legislative provisions state that proceedings may *only* be commenced by local authorities (e.g. section 77(4) of the Rent Act 1977) but that is not the case in respect of the Victorian Acts.

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
15	Legal Proceedings	Sets out considerations for local councils starting legal proceedings
20	Markets and Similar Events	Sets out the powers of councils to hold markets, shows and similar events
23	Health and Safety	Sets out local councils’ duties
42	Occupiers’ Liability	Sets out the councils’ duties as occupier of the land
53	Protection of Common Land	Sets out the provisions of section 38 of the Commons Act 2006 Act in further detail.
57	Easements over Common Land and Village Greens	Sets out the responsibilities of councils to protect village greens in more detail.



Killamarsh Parish Council

Update Report

TO:	Members of the Environment & Climate Change Committee
MEETING DATE:	15 th November 2023
SUBJECT:	Community Bus
REPORT AUTHOR:	Judy France, Deputy Clerk



Purpose of Report:

To update the committee with information about a quotation received for the provision of a weekly community bus in Killamarsh

Following on from the resolution to look into companies who could provide an accessible bus for hire by the Parish Council (ENV169), the following companies were contacted and none of them could assist either because they did not have a suitable vehicle or because they don't cover Derbyshire: Rotherham Community Transport, Sheffield Community Transport, Active Travel in Rotherham, Age UK Derbyshire, Ashley Travel and Coopers Tours.

Therefore, the only company who can assist with this and who has provided a quotation is Derbyshire Community Transport (DCT), who are the same company who provide the weekly Derbyshire Connect Shopper for DCC. The quotation is based on the following suggestion from the Office/Committee, with additions from DCT as needed e.g. driver health and safety checks. This is for a 16 seater accessible bus:

Weekly bus on Tuesdays

0930 Driver Signs On and daily vehicle check.
 0945 Chesterfield Depot to Killamarsh 11.3 Miles
 1020 Arrive Killamarsh
 1020 to 1100 Local Killamarsh Pick Ups 5.0 Miles Allowed for
 1100 Drop Off Killamarsh Centre and then Killamarsh to Crystal Peaks 2.9 Miles
 1110 Arrive Crystal Peaks

 1340 Board Passengers at Crystal Peaks
 1350 Crystal Peaks to Killamarsh Centre 2.9 Miles 10 Minutes
 1400 Arrive Killamarsh Centre and drop off /pick up
 1400 to 1440 Local Killamarsh Drop Offs 5.0 Miles Allowed for
 1440 Killamarsh to Chesterfield Depot 11.5 Miles 35 Minutes
 1515 Arrive Chesterfield Depot and driver signs off

Total Miles 38.6 Miles

This schedule would provide 2.5 hours at Crystal Peaks.

Additional information

The minibus is wheelchair accessible and can carry up to three wheelchairs, but for every wheelchair carried you lose two seats – for example if there is one wheelchair user the number of seated passengers that can be carried is 14. DCT suggest that they configure the vehicle to have 14 seats and one wheelchair space. The wheelchair space can be used for storing shopping if there is no wheelchair user travelling. If there were two wheelchair users travelling on any date the vehicle would be configured accordingly, and then the seated capacity would be reduced to 12.

DCT could also take advanced telephone and e-mail bookings for the service as they do as standard as part of any medium or long term contract.

The Parish Council would need to determine the policy on fares and the DCT Customer Services team can take payments in advance by cheque, and the drivers on the day could also potentially take cash payments, as long as there is a very simple fare system.



Killamarsh Parish Council

Update Report

TO:	Members of the Environment & Climate Change Committee
MEETING DATE:	15 th November 2023
SUBJECT:	Grounds Maintenance
REPORT AUTHOR:	Judy France, Deputy Clerk



<p>Purpose of Report: To consider and approve a recommendation to Full Council to use an alternative grounds maintenance company from 2024/25</p>
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There have been numerous complaints from residents about the lack of adequate grass cutting and hedge maintenance on Parish Council land. Currently the Parish Council has a contract with NEDDC for grounds maintenance. At a meeting of the Environment & Climate Change Committee on 14th June 2023 it was resolved to obtain quotes from alternative suppliers for grounds maintenance going forward.

The Parish Council currently pays around £4,800 per annum to NEDDC for grass cutting and annual hedge maintenance. This figure excludes the cemetery, which is maintained separately as part of the cemetery management agreement between KPC and NEDDC. The Parish Council is in the process of putting in place an SLA for the cemetery, which could see the cemetery maintenance costs added to the Parish Council's annual grounds maintenance fee. The Parish Council have also asked for a quotation from NEDDC to remove the grass cuttings from around the cemetery headstones, and this would be an additional charge going forward.

The parish office have received three alternative quotations all based on 12 grass cuts per year, including strimming as needed, between April and September at: Birchlands Park, Village Green, Linear Park, Sports Field and banking, Belkline Park, High Moor and the cemetery. This is to include boxing off and removing cuttings from the top half of the cemetery when needed, e.g. normally the first few cuts of the year. Also included is hedge maintenance of one to two cuts per year as required.

1. £7,796 (Quote 1)
2. £8,500 (Quote 2)
3. £25,438 (Quote 3)

Recommendation

Having met with all of the companies the Parish Clerk and Deputy Clerk recommend that Quotes 1 or 2 would be a good option for the parish council for a year in the first instance. It is felt that the service provided would be much better than is being received currently and that the operative/s would be receptive and reactive to any issues in a timely manner, leading to less complaints and ultimately better value for the Parish Council and residents.