

Kingston Parish Council
Minutes of Extraordinary Meeting held at The Smithy
at 6.30pm on 20 April 2009

Present:

Simon Draper, Chairman
Tim Fitzjohn
Helen Underwood
Julie Conder
Mike Warren
Peter Stokes, Clerk
Peter Reynolds

Purpose of meeting: to consider the report prepared by Peter Reynolds on the trees on the Smithy (see Appendix A), and to decide on a plan of action.

Peter Reynolds gave the Clerk a copy of the management plan that had been drawn up by the Parish Council in 1995. This details six bye-laws that were enacted at that time (see Appendix B)

Peter Reynolds took everyone on a tour of the Smithy, identifying the various trees and explaining in more detail the suggested maintenance tasks required and the degree of urgency. There was some discussion on other tasks that could also be done to improve the appearance of the area and to make it more accessible and attractive to villagers.

It was agreed that:

- The Smithy should be renamed 'Kingston Village Orchard'.
- The flimsy wooden gate at the opening in the hedge opposite 'The Thatches' served no purpose and will be removed. **Action: volunteers on Work Day.**
- The gate at the opening in the hedge opposite 'The Old Post Office' would be retained, and a sign affixed to it saying 'Kingston Village Orchard'. **Action: Clerk.**
- The Clerk would contact the grass cutting contractor to discuss ways of ensuring that young trees were not damaged by grass cutting activities. **Action: Clerk.**
- A Work Day would be organised as soon as possible with volunteers from the village to carry out the more urgent tasks identified in the report. A further work day would be organised in the autumn at which some of the other tasks could be carried out. In addition to those identified in the report the following further actions were considered necessary:
 - Improve the shape of the yew tree by further pollarding, and remove the branch that is growing towards the old mulberry tree.
 - Remove the greengage tree that is now under the fallen mulberry tree.The Clerk to circulate some dates. **Action: Clerk.**
- An Open Day would be organised after the Work Day, to take place on the Orchard. This would take the form of a social gathering to which all villagers would be invited. Peter Reynolds would conduct guided tours of the area, and he and Parish Councillors would be available to talk about the Orchard, encourage villagers to make use of it, and answer questions. Refreshments would be served at the Orchard. Clerk to circulate some suggested dates. **Action: Clerk.**
- The area under the ash tree would be cleared of debris, and consideration was given to constructing a circular seat around the base of the tree. One possibility would be a seat constructed of logs set close together in the ground around the base of the tree, forming a circular wall around the tree. The space between the wall and the tree would be filled with soil, and turfed.

Meeting ended at 8.00 pm.

Signed.....

Date.....

APPENDIX A

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REPORT ON TREES ON LAND OWNED BY KINGSTON PARISH COUNCIL

20th November 2008

Parish Council responsibilities in relation to trees on its land

1 Health and Safety

The PC has a duty of care to all those who enter its land. Trees may put at risk the health and safety of the public. The PC may have a potential liability for negligence.

2 Access

Trees should not be allowed to impede access to PC's land.

3 Services

Trees should not be allowed to interfere with or threaten any overhead or underground services, drains or any other services.

4 Highways

Trees should not be allowed to obstruct any highways or other rights of way.

5 Amenity

The PC has a responsibility to maintain and enhance the amenities of the parish. Trees have important amenity value. They may also have historical significance. Trees are of great importance as wildlife habitats.

6 Horticulture

The PC has a responsibility for the proper care and cultivation of its trees.

NOTE that PC responsibilities and objectives may conflict e.g. dead and dying wood is good for wildlife but may constitute a potential hazard for visitors.

I THE SMITHY

1.0 General information

1.1 Location

The Smithy consists of two adjacent plots of land, *Sm1* and *Sm2*, forming a triangular area of 0.11 ha in the centre of the village, between Church Lane and Rectory Lane (OS TL 345552).

1.2 Site history & ownership

The whole site was once part of Kingston's 10 acre (4 hectare) village green, but appears to have been enclosed before the 1815 Enclosure Award. In the late C19 the area was divided in three, comprising two pairs of cottages and a blacksmith's: all these buildings were demolished by c1941.

The Smithy now consists of two separate areas: No title exists to the northern half, of 0.07 ha (Sm1), but it was formerly parish allotments rented out by the PC and its predecessors, Kingston Parish Meeting and Kingston Vestry. The southern half, of 0.04 ha (Sm2), was purchased freehold by the PC in 1994 from the trustees of the late Brig. JMF Cartwright. The two areas were united by removing a boundary fence in 1995.

1.3 Site description

The Smithy is surrounded by boundary hedges on all three sides. There are three points of access: one from the south; and two from Rectory Lane to the east. The last of these is gated.

The site was formerly used as domestic orchard and as parish allotments. By the 1990s the northern half of the site was largely derelict and overgrown with brambles; it was cleared by members of Kingston Conservation Committee, with the help of Bourn Scouts and gangs of young offenders doing community service. It is now an area of grassland with a number of fruit trees of various types and ages. There are also a number of native and ornamental trees planted on the boundaries.

2.0 Site Status

2.1 Planning

The site is entirely within the Kingston Conservation Area, designated in 1974, and thus all trees are subject to Tree Preservation Orders. In the South Cambridgeshire Local Plan the whole area of The Smithy is designated a 'Protected Village Amenity Area'.

2.2 Restrictions on use

For area Sm2 only a conveyance of 20th April 1961 between (1) Flowers Breweries and (2) Dorothy Mansfield contains restrictive covenants which remain in force, that use shall not be for '(1) manufacture, sale or supply of beers, wines, spirits, mineral waters or ice cream, (2) as a registered club, (3) as a petrol filling station or public garage'.

2.3 Access & bye-laws

The site is a public open space. Six bye-laws were adopted by the PC in its Management Plan of 1995.

3.0 Management

3.1 Management Plan

A Management Plan was prepared by Kingston Conservation Committee and adopted by Kingston PC on July 19th 1995.

3.2 Management practice

In recent years the only management activity has been the cutting of the grass, 4 or 5 times a year, and the cutting of the western and eastern hedges, once a year.

4.0 Trees

4.1 Fruit trees

There are several greengages, *Prunus domestica ssp italica* in the southern boundary hedge and several more in the north west of the site. There are two old pears, *Pyrus communis*, and a few old apples, *Malus domestica* and plums, *Prunus domestica* vars, and a hazel, *Corylus avellana*. A number of apple trees were planted, mainly in the northern half of the site, c1990. In 2000 two quince, *Cydonia oblonga*, a medlar, *Mespilus germanica*, and a mulberry, *Morus nigra*, were added, the last in celebration of the Millennium.

All these trees are in reasonable condition with only small amounts of dead wood and no evidence of serious pest or disease problems. (The quinces are badly infected with the leaf spot fungal disease, *Diplocarpon mespili* but this is not fatal and treatment is not recommended). The PC's attention is, however, drawn to the following: (i) the greengages, pears and some of the other older fruit trees are now infested with ivy; (ii) all the young fruit trees have been badly damaged at the bases of their trunks by mowing or strimming equipment; (iii) the medlar's rootstock is outgrowing the scion; (iv) the younger fruit trees are on dwarfing rootstocks and in some cases require support from stakes.

4.2 Old mulberry

Towards the north west of the site is a mulberry, *Morus nigra*, probably contemporary with specimens at South Sea House and the Thatches, Rectory Lane, and at least 100 years old. The tree collapsed in the summer of 2008, having developed a typical one-sided form of growth. This mulberry has sent up new growths at the base and should survive.

4.2 Ash tree

In the centre of the site is a large mature ash tree, *Fraxinus excelsior*, approx 150 years old. It overhangs the telephone line to The Old Post Office, Rectory Lane. This vigorous tree is in good health: it may require small-scale reduction in 5 to 10 years time.

4.3 Boundary trees

A number of trees have been planted on the western boundary, including two oaks, *Quercus robur*, a birch, *Betula pendula* or *B pubescens* (all approx 50 years old) and a yew, *Taxus baccata* (approx 100 years old). These are all poorly located as they are beneath the overhead electricity cables on Church Lane and have had to be reduced in the past.

5.0 RECOMMENDATIONS

URGENT

5.1 The existing 1995 Management Plan should be reconsidered and re-drafted, if necessary. Management prescriptions should be delegated in writing to contractors, professionals and/or volunteers as appropriate. ACTION: PC

5.2 Ivy should cut away from all the trees on site (particularly from the old mulberry, the ash and the pears): it may be cut at the base and then stripped from the trees at a later date, but care should be taken to dig out the roots, ACTION: Volunteers

5.3 The younger fruit trees should be protected at the base from cutting equipment, either by giving clear instruction to contractors not to use mowers or strimmers at the base of these trees, or by spraying areas approx 450mm in radius around these trees. ACTION: PC

5.4 The *Crataegus* rootstock should be cut away from the medlar, taking care to remove the stock wood at its points of origin. ACTION: Volunteers.

5.5 The old mulberry should be reduced by up to 50% on the northern side, its roots covered on the southern side. ACTION: Professional. Consult S Cambs DC Trees Officer.

5.6 All stakes and ties on the young trees should be checked and replaced or removed where necessary. ACTION: Volunteers.

LESS URGENT

5.4 All the fruit trees should be pruned at least once in four years. The hazel should be pollarded about once in 10 years. ACTION: Professional or skilled volunteers

5.5. The Parish Council might consider pollarding the trees on the western boundary under the electricity wires. Reducing them to approx 3.5m in height would make them more manageable. Pollarding is a traditional form of tree management with wildlife benefits. ACTION: Professional. Consult S Cambs DC Trees Officer. Consult Electricity

5.6 The Parish Council should undertake to make a visual examination of all the trees on this site once a year, during the winter months, noting any potential hazards, obstructions, pests or diseases. If necessary, risk assessments should be undertaken. The findings should be recorded in the PC minutes or elsewhere. ACTION: PC

Disclaimer

I accept no liability for any decisions or actions made by the Parish Council on the basis of this report.

Peter Reynolds
20.11.08

APPENDIX B

MANAGEMENT PLAN FOR THE SMITHY

FORMERLY THE LATE BRIGADIER CARTWRIGHT'S ORCHARD, KINGSTON.

1.0 GENERAL INFORMATION

1.1 Purpose of the Plan

The purpose of the plan is to identify the management objectives and maintenance requirements for the site.

1.2 Site History

The site consists of 0.11 acres (0.04 hectares) between Rectory and Church Lanes. This land was once part of Kingston's 10-acre Village Green, but appears to have been enclosed before the enclosure award of 1815. In the late nineteenth century the site was divided in three, comprising two pairs of cottages and a smithy. A photograph of c 1928, in the Cambridgeshire Collection shows the smithy, with a thatched cottage, still *in situ*. All the buildings were demolished by 1941. Since then, this land has been used as an orchard and vegetable garden. A planning application for the erection of one dwelling was refused permission in 1964.

The site was purchased by the late Mrs P.V.J. Cartwright in 1966. In 1994, Kingston Parish Council purchased the freehold for the sum of £4,500 from the trustees of the estate of the late Brigadier J.M.F. Cartwright.

1.3 Site Description

The site is an area of grassland with various mature fruit trees. There are other trees and shrubs, including oak, birch and blackthorn.

The grassland contains some meadow species and others of garden origin.

A hedge - predominately hawthorn - was planted in the winter of 1994-5 on the western boundary.

1.4 Interested Parties

Kingston Parish Council is the sole owner and responsible authority. On its behalf, Mr D.H. Heath, of The Dovecot, Church Lane, and Mr P.J. Reynolds, of Pincote, Cranes Lane, hold the title absolute of proprietor.

Kingston Conservation Committee is a sub-committee of the Parish Council (PC). It has an advisory role on conservation matters and also carries out management tasks on behalf of the PC.

The adjacent householders, and parishioners in general, have expressed their concern that the site be maintained as an orchard and open space.

2.0 STATUS OF SITE

2.1 Conservation Status

The site is within Kingston's Conservation Area, designated in 1974, and is surrounded by a "Protected Frontage".

2.2 Restrictions on Use

A conveyance dated 20th April 1961, made between (1) Flowers Breweries Ltd. and (2) Dorothy Mansfield contains the following restricted covenants, which remain in force: that the property, or any part thereof, shall not be used for all or any of these purposes:

"(1) the manufacture, sale or supply of beers, wines, spirits, cider, mineral waters or ice cream.

(2) as a registered club,

(3) as a petrol filling station or public garage."

2.3 Public Access

The whole site is open to the public as an extension of the existing green to the south.

2.4 Wildlife

The site has a relatively rich, if unremarkable, flora.

2.5 Archaeology

There is no known archaeological interest, but many foundations of buildings remain *in situ*.

3.0 MANAGEMENT OBJECTIVES

3.1 To maintain the site, in perpetuity, as a public open space with full access for parishioners and visitors to take air and recreation thereon.

3.2 To maintain the site's existing character as a traditional orchard.

3.3 To maintain and enhance the nature conservation interest of the site through sympathetic management.

3.4 The recording of plants and other wildlife is to be encouraged.

3.5 If any of these objectives ever conflict then the Parish Council will decide on any course of action.

4.0 MANAGEMENT PRACTICE

4.1 Public access must be maintained on the southern and eastern boundaries. The newly planted hedge on the western boundary is designed

to prevent access and egress as Church Lane is a hazardous highway. The northern fence adjoining the allotments owned by the Parish Council must be maintained.

4.2 The hedge on the Church Lane boundary should, when mature, be cut at least every 2 years at a height of approx. 1.2 metres. It must not be allowed to encroach on the public highway, nor onto the grassland to the east. The view across the site should be maintained.

4.3 The fruit trees should be pruned at least every 2 years to maintain their health and vigour. Any pests and diseases should be dealt with as the Parish Council sees fit. The produce of the trees is to be disposed of as the Parish Council decides. The Parish Council may consider planting additional fruit trees.

4.4 The other trees and shrubs on the site should not be allowed to cause any obstruction to the public highway.

4.5 A network of close-mown paths (50-75mm) should be maintained on the site throughout the year by cutting approx. twice per month during the growing season. The grass in the centre and on the southern side should be kept short. The rest of the grassland should be cut in July and once or twice in August and Sept. at a height of approx. 100mm. Cuttings should be removed to reduce fertility. The enhancement of floral diversity, by introducing appropriate species, may be considered, but must be carried out only with the Parish Council's permission.

4.6 All management and maintenance works are to be the responsibility of Kingston Parish Council. Tasks may be deputed to the Conservation Committee or to other agents or contractors.

5.0 BYELAWS

5.1 The Parish Council considers it appropriate to introduce the following bye-laws:

- i No motor vehicles to be allowed on site.
- ii No fires to be lit.
- iii No horses or livestock to be allowed on site.
- iv Dogs to be kept on leads: fouling is already an offence.
- v No buildings, furniture, fences or materials of any description to be introduced to the site without the express permission of the Parish Council.
- vi The Parish Council may waive any of these bye-laws if an occasion demands it.

6.0 This Management Plan was adopted by Kingston Parish Council on July 19th 1995