

KPC 128-07
MINUTES OF THE MEETING OF KEDINGTON PARISH COUNCIL
TUESDAY, 20th DECEMBER 2022
HELD IN THE MEETING ROOM, PARISH COUNCIL OFFICE, ARMS LANE, KEDINGTON

Present: Cllr Ann Naylor (Chair)
Cllr Stella Wilsher (Vice-Chair)
Cllr Lynda Woodward
Cllr Jeffery Potter
Cllr Peter Deeks

In attendance: John Boxall (Parish Clerk)

Also in attendance: Suffolk County Councillor David Roach and West Suffolk Councillor Marion Rushbrook. One Parishioner present.

- 1. Acknowledge agenda items of interest to members of the public present.**
None.
- 2. Welcome and Apologies.**
Cllr Wheeler for personal reasons.
Cllr Standeven is unwell.
Cllr Eames for personal reasons.
- 3. To receive members' declarations of Disclosable Pecuniary Interests and Local Non- Pecuniary Interests in accordance with the Suffolk Code of Conduct (and section 106 of the LGFA 1992) and receive any applications for dispensations on agenda items.**
None declared.
- 4. Councillors who were present to agree as a true record the minutes of the meeting of Kedington Parish Council held on 15th November 2022 (emailed to Councillors)**
A resolution was put forward by Cllr Potter and seconded by Cllr Wilsher to agree the minutes of the meeting of Kedington Parish Council held on 15th November 2022 as a true record. There were no other resolutions; unanimously agreed. Chair signed the minutes outside the meeting.
- 5. Receive visitor's reports and reports from District and County Councillors (to be emailed to Councillors on receipt)**
Chair confirmed that Councillors had received the District Councillors report earlier that day (ANNEX 1). No questions from Councillors.
Cllr Rushbrook updated that there will be more weeds around due to a delay in deciding what type of weed killer is to be used. So expect some untidiness until that is decided.
Cllr Rushbrook highlighted West Suffolk Council's work around homelessness.
Cllr Roach updated that funding has been allocated for the new waste site and it should start sometime next year.
Cllr Roach updated that the bypass is on schedule to be completed by the end of March 2023.
Cllr Roach updated that budgets are under discussion.
Cllr Roach updated that the 7.5 Tonne weight restriction application is still awaiting a response from Essex County Council. He will liaise with the Sturmer Parish Council and chase a response from Essex County Council.

ACTION

ANNEX 1

Cllr Roach

6. Financial Statements: Receive budget statements and any other financial reports and consider action.

6.1 Receive budget statements effective to date (emailed to Councillors)

Chair confirmed that Councillors had received the relevant documents. No questions from Councillors.

6.2 External Auditor Appointment (Clerk to update)

Clerk updated that on 2nd December 2022 he had an email from the Smaller Authorities Audit Appointments confirming that PKF Littlejohn LLP have been appointed as the External Auditors for Suffolk for the 5-year period from 2022/2023 until 2026/2027. The fee will be £315.00 +VAT = £378.00.

Clerk

6.3 Ratify refund of £8.97 to Cllr Naylor for Christmas music CD (Clerk to update)

Clerk updated that on 5th December 2022 £8.97 was paid to Cllr Naylor for the refund of her purchase of a Christmas music CD to be played during Father Christmas's visit to the Parish on Friday 16th December 2022. It can be reused in future years also. This payment had been authorised by the Clerk and Cllr Naylor. Clerk asked the Council to ratify this payment. Cllr Wilsher proposed and Cllr Woodward seconded ratifying the payment. There were no other resolutions; unanimously agreed.

6.4 Finalise and agree budget/precept for financial year 2023/2024 (Clerk to update)

Clerk confirmed that following the informal meeting on 30th November 2022 a draft budget was emailed to Councillors. This required more enquiries and on 16th December 2022 an updated draft budget was emailed to Councillors. Councillors present confirmed they had received and read the draft budget. Following a discussion of the enquiries made a budget of £85,576.40 was agreed by all Councillors present (ANNEX 2).

ANNEX 2

Cllr Potter proposed that the precept demand for the financial year 2023/2024 for Kedington Parish Council be set at £85,576.40 and Cllr Deeks seconded the proposal. There were no other resolutions; unanimously agreed.

Clerk

7. Grants

7.1. Uptake.

a. 1st Kedington Brownies (Clerk to update)

Clerk updated that £300.00 had been paid on the 18th November 2022 and verbal thanks have been received from Lisa Morley.

b. 1st Kedington Guides (Clerk to update)

Clerk updated that £300.00 had been paid on the 18th November 2022 and verbal thanks have been received from Sarah Lyon.

7.2. Applications. NONE

8. Clerk's report: Discuss and agree action on Clerk's Report and correspondence received.

8.1. Certificate in Local Council Administration (Clerk to update)

Clerk updated that on 24th November 2022 he received an email from SALC (Suffolk Association of Local councils) stating "The registration fee for CiLCA to the SLCC (Society of Local Council Clerks) will be increasing to £450.00 from 1 January 2023 This increased fee will apply for any learners that register on or after 1 December 2022."

Clerk asked Council to agree this increase in payment from £410.00 to £450.00 (non VAT-able). Cllr Potter proposed to agree the increase in payment and Cllr Woodward seconded the proposal. There were no other resolutions; unanimously agreed.

Clerk

Clerk updated that on 28th November 2022, £275.00 +VAT (totalling £330.00) had been paid to SALC for the 5 CiLCA training units and the next training unit is on 16th January 2023.

8.2. **Management of Elm trees on land adjacent to Silver Street Park, ownership of said land, ownership of Silver Street Park and ownership of Old School Field (Clerk to update)**

Clerk confirmed that Councillors had received and read the report that was emailed to them on 16th December 2022 (ANNEX 3). Councillors had no questions.

With regards to the recommendations concerning the management of the Elm trees on the land adjacent to Silver Street Park as follows:-

- the Parish Council considers Mr Dellar's quote to carry out the work, pending a response from Suffolk County Council.
- if Suffolk County Council declines to carry out the work and Mr Dellar's quote is agreed, the Parish Council authorises Mr Dellar to do it as soon as possible.
- the implementation of an annual monitoring programme to assess/manage the remaining trees.

Cllr Potter proposed to agree the recommendations and Cllr Woodward seconded the proposal. There were no other resolutions; unanimously agreed.

With regards to the recommendations concerning the ownership of Silver Street Park as follows:-

- amend the Asset Register accordingly with the correct date of purchase and purchase price.
- the Parish Council authorises a valuation of the land comprising Silver Street Park under Title No. SK23237.
- Clerk advises the insurers of the valuation, the Employer's Liability insurance is updated and any pro-rata increase in the premium is paid.

Cllr Wilsher proposed to agree the recommendations and Cllr Woodward seconded the proposal. There were no other resolutions; unanimously agreed.

With regards to the recommendations concerning the ownership of Old School Field as follows:-

- amend the Asset Register accordingly with the correct date of purchase and purchase price.
- the Parish Council authorises a valuation of the land comprising Old School Field.
- Clerk advises the insurers of the valuation, the Employer's Liability insurance is updated and any pro-rata increase in the premium is paid.

Cllr Woodward proposed to agree the recommendations and Cllr Deeks seconded the proposal. There were no other resolutions; unanimously agreed.

Clerk also asked Council to ratify the refund of £113.76 paid to him on 1st December 2022 for the relevant Land Registry searches, having been authorised by Cllr Naylor and Clerk that same day. Cllr Potter proposed ratifying the payment and Cllr Woodward seconded the proposal. There were no other resolutions; unanimously agreed.

9. Play Equipment.

9.1. **Receive defect report(s) (if any); agree action (emailed to Councillors)**

Clerk confirmed that Councillors had received the reports emailed to them on 16th December 2022 and that all work had been completed or was in hand. Clerk advised he replaced the basket swing safety chain quick link on 24th November 2022.

Clerk updated he is waiting contact from the West Suffolk Council Play Inspector regarding the exercise equipment on Silver Street Park.

10. Environmental / Grounds Maintenance matters.

10.1 **Beebombs on the Meadow (Clerk to update)**

Clerk updated that the scattering of the Beebombs has now been delayed until March 2023 as Ross Van de Zande, the Meadow Manager, hasn't been able to prepare the ground as yet. Mrs Doherty, the Primary Academy Headteacher, has been made aware.

11. Highway/Footpath/Street Furniture matters: NONE

ANNEX 3

Clerk

Clerk

Clerk

12. Outstanding estimates awaited or work ordered.**12.1 Old School Field goals to be repositioned and both entrance's gates and fences to be repainted (Clerk to update)**

Clerk updated that the work was complete and £320.00 was paid to Wayne Blackman on 1st December 2022 and £43.01 inc VAT was paid to Huws Gray Buildbase on 8th December 2022 for Postfix and Cuprinol fence paint.

12.2 Kedington village sign (Clerk to update)

Clerk updated that on 9th December 2022 he received an mail from Etienne Egloff of Artisteel stating "the parts for the village sign should be with us next week (w/c 12th December 2022) and we will manufacture and receipt. I am hoping the painter can do a fast turnaround so that we can install before Xmas break." The village sign has not as yet been installed.

12.3 Queen's Platinum Jubilee bench (Clerk to update)

Clerk updated that on 9th December 2022 he received an mail from Etienne Egloff of Artisteel stating "I am nearly finished with the bench design and you will have it before the 20th ". Clerk has not as yet received the revised design.

13. Any other reports (on-going matters).**13.1 Father Christmas visits the Parish (Chair to update)**

Chair updated that Father Christmas' visit went very well; it was a thoroughly enjoyable evening. Just over £200.00 was raised for the Community Hub. Chair thanked the Rotary Club of Haverhill and District for their donation and Brian Rackham for his hospitality.

13.2 Community Hub (Chair to update)

Chair updated that the Hub is going very well and has been well attended by people of all ages. After Christmas Chair will contact other Parishes to see if any of their Parishioners would like to come as well. Cllr Deeks has himself attended and was very complimentary about the Hub. Chair thanked Cllr Roach for his contribution and support. Cllr Rushbrook has also attended and was also very complimentary about the provision of the Hub and the number of people attending.

Chair

13.3 Consider applying for funding in accordance with section 106 of the Town and Country Planning Act 1990 regarding Land at the junction of Hall Road and Mill Road (Clerk to update)

Clerk updated that as we know from a letter dated 19th October 2021 from Strutt and Parker there is S106 funding available:-

- £176,499 primary school contribution
- £159,166 secondary school contribution
- £51,252 play space contribution
- £40,172 community sports facilities contribution
- £17,980 public open space contribution
- £15,000 bus stops improvement contribution
- £8,640 libraries contribution.

Clerk updated that he has made enquiries with Suffolk County Council regarding how the Primary School can apply for funding and he awaits a reply from the Education Team. Clerks' understanding is that "All major developments of 10 homes or over will be assessed by Suffolk County Council and through planning applications, developers may be required to pay contributions to help mitigate any impact on local schools. All such contributions will be secured via a section 106 Agreement and at agreed triggers, typically at certain occupation levels, the developers will pay contributions directly to Suffolk County Council."

Clerk suggested that the Parish Council should consider whether it wishes to make an application for funding and if so for what. Cllr Wilsher mentioned bus stop improvements, Cllr Woodward mentioned community sports facilities.

Chair suggested Councillors consider this and it is discussed at the next meeting.

All
Councillors

14. Housing/Planning.

14.1 Applications for discussion at meeting: NONE

Clerk updated that he attended a Clerks online networking forum earlier today during which the subject of Planning Applications being discussed at Parish Council meetings was raised. Each planning application should be discussed by Councillors at a Parish Council meeting that can be attended by members of the public. If we were to do this then, due to the consultation expiry date, there would be some applications for which an extraordinary meeting would have to be called if an extension to the consultation expiry date could not be obtained.

Obviously there will be occasions when a straightforward planning application in reality needs no discussion and there are no observations, comments or objections about it. At the moment these should still be discussed at a Parish Council meeting.

However, the Local Government Act 1972 s.101, regarding arrangements for the discharge of functions by local authorities, states that subject to any express provision contained in that Act or any Act passed after it, a local authority may arrange for the discharge of any of their functions:-

- a) by a committee, a sub-committee or an officer of the authority; or
- b) by any other local authority.

A Parish Council is a statutory local authority established under the Local Government Act 1972.

Therefore, the Parish Council could pass a resolution arranging for the discharge of its function in relation to planning applications to the Clerk as an officer of the authority. This would negate the need for straightforward planning applications to be discussed at a Parish Council meeting as the Clerk could make a decision on them. In reality the Clerk would still seek Councillors views as he currently does.

Any other planning applications could still be discussed at a Parish Council meeting or an extraordinary meeting as necessary.

Cllr Potter asked and it was confirmed that this discharge of function would only be used when there were no objections from any Councillors. If there were then it should be discussed at a meeting.

Cllr Potter asked and it was confirmed that the emphasis will be on Councillors to respond to the Clerk as soon as possible after they receive a planning application.

Cllr Deeks proposed to pass a resolution as described above and Cllr Potter seconded the proposal. There were no other resolutions; unanimously agreed.

All
Councillors

All
Councillors

14.2 Planning Applications – Observations conveyed by Parish Council (Clerk to update)

- a. **Re-consultation in respect of a Planning Proposal DC/22/0336/FUL - Land West Of Haverhill Road, Kedington – Planning application - one retail unit (class E) and associated vehicular and pedestrian access as amended by plans received 16th August 2022**

Clerk updated that Council's observations were submitted to the Planning Officer on 17th November 2022

- b. **DC/22/1841/TPO – 15 Risbridge Drive, Kedington – TPO 280 (1999) tree preservation order - one Poplar (T6 on plan, T6 on order) crown lift to three metres above ground level**

Clerk updated that no objections were submitted to the Planning Officer on 17th November 2022

- c. **DC/22/2003/HH – Europa, White Horse Road, Kedington - Householder planning application – detached garage/outbuilding (demolition of existing outbuilding)**

Clerk updated that no objections were submitted to the Planning Officer on 8th December 2022

14.3 Planning Applications – Decisions received from District Council (Clerk to update)

a. DC/22/1552/TPO - 24 Mill Road, Kedington - TPO 319 (2001) tree preservation order - one Walnut (indicated on plan, T1 on order) fell

Clerk updated that the application was refused on 6th December 2022 and the Decision Notice states “The reason(s) for the Council's decision to refuse permission is the subject tree is a Walnut, visible to the wider surrounding area including publicly accessible locations. As such it contributes to a verdant character in keeping with a rural village. This confers a high amenity value on the tree. The tree has been previously pollarded and maintained on an appropriate pollard cycle. As such the tree has a modest crown, with a relatively limited leaf bearing area. The removal of the tree would have a notable negative impact on amenity. The walnut tree is in good health, with no sign of any disease. There is therefore considered to be insufficient justification provided to support the proposed removal of an otherwise healthy tree. The concerns lodged about the root damage have not been supported with evidence and the concern regarding leaf and walnut fall and pigeon faeces are not sufficient justification to support the felling of a healthy tree. The works would therefore not outweigh the loss of a high amenity value tree which makes an important contribution to the area.”

The reviewing West Suffolk Council Arboricultural Officer also commented “Having reviewed the Parish Council's objection, I would agree with their assessment based on the reasoning they have put forward.”

b. DC/22/1654/TPO – 1 Saints Walk, Kedington – TPO 551(2014) - Tree preservation order - one Sycamore (T2 on plan, within G1 on order) fell; one Plum (T4 on plan, within G1 on order) crown lift to two metres above ground level

Clerk updated that this originally also included an application for an overall crown reduction by three metres of one Sycamore tree (T1 on plan, within G1 on order). In its observations submitted to the Planning Officer, the Parish Council requested that the crown reduction should be no more than 1.5 metres. Following a report from the Arboricultural Officer this application to reduce the crown of Sycamore tree T1 was completely removed and the amended application was approved on 29th November 2022

c. AP/22/0043/STAND – Appeal to the Secretary of State in respect of DC/21/1806/HH - Calford Green Cottage, Calford Green, Kedington – Householder planning application - Installation of dark framed solar panels to the front elevation (emailed to Councillors)

d. AP/22/0044/STAND – Appeal to the Secretary of State in respect of DC/21/1807/LB - Calford Green Cottage, Calford Green, Kedington – Application for listed building consent - Installation of dark framed solar panels to the front elevation (emailed to Councillors)

Clerk confirmed that Councillors received the Appeal Decision document emailed to them on 16th December 2022 with regard to items 14.3 c. and d.

Clerk advised that the applications had originally been refused and an appeal had been made. This appeal was dismissed on 18th November 2022, in brief because the benefits of installing solar panels would not outweigh the harm to a listed building's significance.

14.4 Parish Online (emailed to Councillors)

Clerk updated that he received information about Parish Online from the National Association of Local Councils (NALC) by email on 23rd November 2022. On 24th November 2022 Clerk sent an email to West Suffolk Council and cc'd it to Councillors stating “I've had an email from NALC that contained an article about planning applications in a digital mapping system. As our “higher-tier authority” I am wondering if you are able to provide your planning data in a GIS format so that we can then consider whether or not to use the Parish Online facility.”

Clerk received an email from West Suffolk Council on 12th December 2022 stating “Thank you for your email regarding accessing planning applications via a digital mapping system. We have taken an initial look at this and will be taking a more detailed look during our transformation programme. We will ensure all Parish Councils are updated as we progress with this. Thank you for raising this with us.” Clerk asked when the transformation programme is taking place and was told by email

"We are currently prioritising and working through many different options. This is definitely something we will be considering. We will keep you updated."

15. Events: Please bring your diaries

15.1 Date and location of next meeting (Clerk to update)

Next Parish Council meeting to be held on Tuesday 7th February 2023 at 7 pm in the Parish Council Office Meeting Room.

The meeting closed at 8:20 p.m.

Signed *A E Naylor* Date.....7th February 2023.....

ANNEX 1

Report for Kedington Parish Council meeting – Tuesday 20 December 2022

From West Suffolk District Councillors Nick Clarke, Karen Richardson and Marion Rushbrook

This is proving to be a rough winter – in terms of the economy and weather. We are starting to see the warm hubs open and the great work volunteers are doing. Seeing residents watch out for neighbours - good to see our communities working together.

There is not much to report this month. On Tuesday evening at Council we discussed the use of glyphosate at WSC. We will report on this in the next report – once final wording is published.

Here are the opening hours for West Suffolk Council (WSC) through to the new year:

Date	Opening hours
Friday 23 December	Normal opening hours
Monday 26 December	Public holiday
Tuesday 27 December	Public holiday
Wednesday 28 December	Normal opening hours
Thursday 29 December	Normal opening hours
Friday 30 December	Normal opening hours
Monday 2 January	Public holiday
Tuesday 3 January	Normal opening hours

Customer Services at WSC

For those who do not have access to the internet Customer Services is available Monday to Friday on 01284 763233, opening hours 08.45–17.00.

Homelessness

We have a record to be proud of at WSC. The team go out daily and check on people. There are 9 people the Council is aware of sleeping rough. 7 of those have been given accommodation through this freezing spell, the other 2 choose to stay outside. The team check on them and the offer for support is always there.

If you are aware of anyone living rough please contact StreetLink, customer services at West Suffolk or one of us.

Finally, we wish you all a happy and healthy Christmas and look forward to working with you in the new year.

ANNEX 2

Kedington Parish Council BUDGET FOR 2023-2024

Budget Headings	2022-2023	Budget Headings	2023-2024
<u>Salary</u>		<u>Salary</u>	
Clerk Salary	£20,500.00	Clerk Salary	£29,400.00
Village Cleaner	£2,000.00	Village Cleaner	£2,100.00
National Insurance Contributions	nil	National Insurance Employer Contributions	£3,000.00
Pension Contributions	nil		
<u>Administration</u>		<u>Administration</u>	
Post	£50.00	Post	£20.00
Stationery	£250.00	Stationery	£175.00
New Office Equipment	nil		
Clerks Expenses	£300.00	Clerks Expenses	£100.00
Councillors Expenses	£300.00	Councillors Expenses	£100.00
Clerks and Councillor Training	£1,000.00	Clerks and Councillor Training	£1,000.00
Insurance	£2,700.00	Insurance	£3,000.00
Accountants Software - Scribe Accountancy	£480.00	Accountants Software - Scribe	£561.60
	£500.00		
Audit	£800.00	Audit	£607.00
Electricity	£1,000.00	Electricity	£2,000.00
Telephone Broadband	£850.00	Telephone Broadband	£700.00
Subscriptions (SALC)	£850.00	Subscriptions	£750.00
Email	£60.00	Email	£60.00
Website	£110.00	Website	£130.00
Office Cleaning	£180.00	Office Cleaning	£250.00
Zoom	£144.00		
Legal Fees	£2,000.00		
Elections	nil	Elections	£3,000.00
Royal British Legion Hall hire	£450.00	Hall hire	£200.00
Protect & Detect	£200.00		
Dropbox	£100.00	Dropbox	£100.00
		Shared Office Costs with KCA	£360.00

BUDGET FOR 2023-2024

Budget Headings	2022-2023	Budget Headings	2023-2024
<u>Village Maintenance</u>		<u>Village Maintenance</u>	
Grounds, Contract A (Incl. Churchyard & the Cut)	£8,486.40	Grounds, Contract A (Incl. Churchyard & the Cut)	£8,486.40
Grounds, Contract B (Old School Field & Silver St Park)	£867.00	Grounds, Contract B (Old School Field & Silver St Park)	£867.00
Grounds, Contract E (Great Meadow)	£ 1,387.20	Grounds, Contract E (Great Meadow)	£ 1,387.20
Grounds, Contract D (Calford Green)	£520.20	Grounds, Contract D (Calford Green)	£520.20
Silver Street Park	£1,000.00	Silver Street Park	£500.00
Grounds - Extras	£1,435.20	Grounds - Extras	£1,000.00
Grounds - Strimming	£3,000.00	Grounds - Strimming	£4,000.00
Equipment Repairs	£1,000.00	Equipment Repairs	
Equipment New	£1,500.00	Equipment New	£1,000.00
Village Amenities	£2,000.00		
Contingencies / Sundries	£1,000.00	Contingencies / Sundries	£1,000.00
Recreation Equipment	£4,500.00		
War Memorial	£600.00		
Tree Maintenance	£3,500.00	Tree Maintenance	£3,000.00
Amenity Cleansing	£6,250.00	Amenity Cleansing	£6,000.00
		The Cut Peppercorn Rent	£1.00
		Office Extension Peppercorn Rent	£1.00
<u>Subscriptions, Grants and Donations</u>		<u>Grants and Donations</u>	
Section 137 (Grants)	£3,900.00	Grants and Donations	£5,000.00
Section 137 - Sundry	£100.00		
Sec 138B (Poppy Appeal)	£100.00	Sec 138B (Poppy Appeal)	£100.00
<u>General Parish Requirements</u>		<u>General Parish Requirements</u>	
Asset Maintenance	£5,000.00	Asset Maintenance	£3,500.00
Pest Control	£600.00	Pest Control	£600.00
		King's Coronation	£1,000.00
Total	£81,570.00		£85,576.40

ANNEX 3

Report to Kedington Parish Council

Date: 16th December 2022

Issue investigated:- management of trees and ownership of land in Kedington

Land adjacent to Silver Street Park

On Monday 28th November 2022 I received an email from Mr Bob Dellar ND Arb.¹ of RMS Tree Services regarding management of the Elm trees on the land adjacent to Silver Street Park, a copse running parallel with the straight path in Silver Street Park. Mr Dellar advised that a few years ago, having been asked to do so by the previous Clerk, he had surveyed all the trees within the Park and the adjacent Cut and pointed out that many of the Elms in the copse were in terminal decline due to Dutch Elm Disease. He had advised that the Elms would require management at some point. Mr Dellar assumed the copse belonged to the Parish Council as it was the previous Clerk who had approached him and asked him to include it in his survey.

Mr Dellar advises that the time for “management” of the Elm trees is now approaching as many of them have been dead for so long they may start to fail. Mr Dellar’s approach would be to fell the Elm trees that could fall directly into the Park and/or onto the footpath adjacent to the copse and/or onto the street light supply cables that run above the footpath. He would leave approximately 3m of main stem upright and the debris/logs etc. left on site for habitat. He further advises that the Elm trees at the rear of the copse adjacent to the farmer’s field could remain as they pose minimal risk.

I met with Mr Dellar in Silver Street Park the following morning and it is clear that if one or more of the trees does fail they may fall across the footpath and/or onto the street light supply cables. Mr Dellar has subsequently provided a quote for £780.00 to carry out the necessary work as follows; “The Elm hedgerow is 70m long and 10m wide approximately. It consists predominantly of young Elm suckers derived from the roots systems of Elms that succumbed to Dutch Elm Disease in recent years. Many of the suckers are themselves now infected and are in various stages of decline. Some are potentially hazardous and entire trees or parts thereof could fail. Given the close proximity of a pedestrian footway and the general high footfall within Silver Street Park it is recommended the trees that pose the greatest risk of failure are removed and a monitoring programme implemented to assess/manage the remaining trees on an annual basis.”

As a result of examining paperwork found in the Parish Council office and further enquiries with the Land Registry records² I have established that the copse is registered under Title No. SK4896 (ANNEX 1). It is not owned by the Parish Council, it is in fact owned by “The County Council of the administrative County of West Suffolk” i.e. Suffolk County Council, and has been so since 20th May 1966. This parcel of land also includes the straight footpath that runs through Silver Street Park.

On Monday 5th December 2022 I sent an email to Suffolk County Council advising them of my findings and asking that they let me know how they wish to proceed with the Elm trees, especially taking into account the risk due to the chance of these trees falling as stated above. As the result of a phone call with a member of the Corporate Services department on Friday 16th December 2022, I again sent them a copy of the Title Register and Plan and also three maps highlighting the area. I am hopeful that once they have ownership confirmed to them they will deal with the Elm trees. I await their response.

My recommendations are:-

- at its next meeting on Tuesday 20th December 2022, the Parish Council considers Mr Dellar’s quote to carry out the work, pending a response from Suffolk County Council.
- if Suffolk County Council declines to carry out the work and Mr Dellar’s quote is agreed, the Parish Council authorises Mr Dellar to do it as soon as possible.
- the implementation of an annual monitoring programme to assess/manage the remaining trees.

¹ National Diploma in Arboriculture, a two or three-year full time course imparting both practical skills and technical knowledge.

² Land Registry Searches Online

These recommendations take into account the fact that the Parish Council is then not due to meet again until Tuesday 7th February 2023.

Ownership of Silver Street Park

As part of my enquiries to establish ownership of the land adjacent to Silver Street Park I further examined the aforementioned paperwork found in the Parish Council office. I found Land Registry documents (ANNEX 2) indicating that the Parish Council owns Silver Street Park under Title No. SK23237 having purchased it for £1,200.00, rather than it being a Community Asset as recorded on the Asset Register³. Further enquiries with the Land Registry records have confirmed that the land under Title No. SK23237 (ANNEX 3) is owned by "The Council of Parish of Kedington" and has been so since 30th September 1975.

My recommendations are:-

- amend the Asset Register accordingly with the correct date of purchase and purchase price.
- the Parish Council authorises a valuation of the land comprising Silver Street Park under Title No. SK23237.
- Clerk advises the insurers of the valuation, the Employer's Liability insurance is updated and any pro-rata increase in the premium is paid.

Ownership of Old School Field

A continued examination of the aforementioned paperwork found in the Parish Council office revealed a Conveyance document dated 30th June 1972 (ANNEX 4) between the "The County Council of the administrative County of West Suffolk" i.e. Suffolk County Council, and Kedington Parish Council. The document details that the Parish Council "requires the said property for the purpose of its functions and is under the Local Government Act 1933 authorised to purchase the same". The property was then purchased from Suffolk County Council for £850.00 "in fee simple in possession free from incumbrances." i.e. Freehold ownership.

Further enquiries with the Land Registry records have established that the land is unregistered and it will not become aware of its existence until a sale or mortgage of the property occurs, at which time the new purchaser or mortgagee will affect registration at the Land Registry in accordance with the Land Registration Acts.

Land registration was introduced in England and Wales in the 1860s⁴, however, as this was not compulsory, very few properties were registered. This changed when under the Land Transfer Act 1897, registration became compulsory in the County of London. This requirement was later broadened across the country under the Land Registration Act 1925, but it was not until 1st December 1990⁵ that registration was mandated across all of England and Wales. In accordance with the Land Registration Act 2002 s.4, land or property must now be registered with the Land Registry if it has been purchased, gifted, inherited, received in exchange for other property or land, or mortgaged.

My recommendations are:-

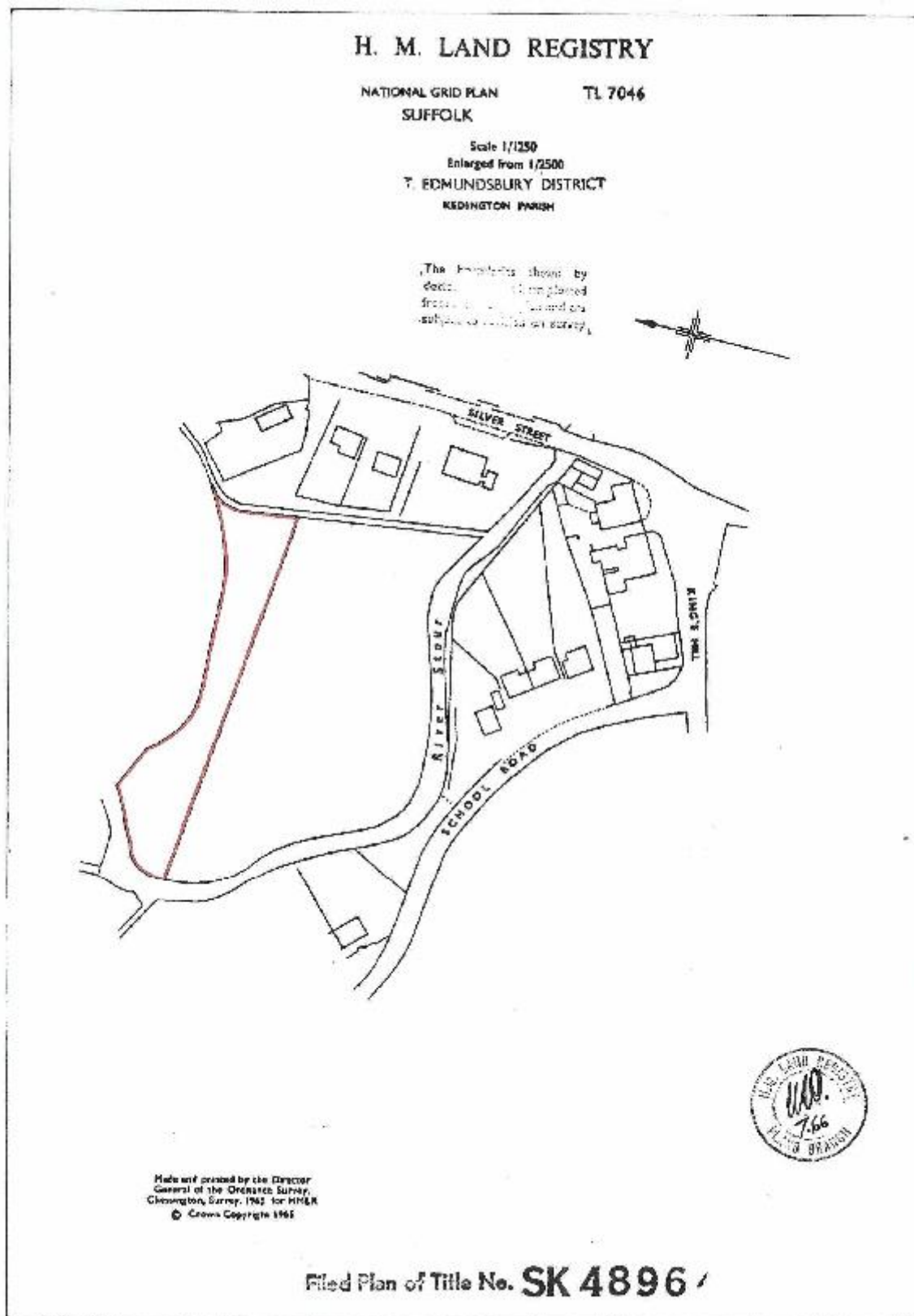
- amend the Asset Register accordingly with the correct date of purchase and purchase price.
- the Parish Council authorises a valuation of the land comprising Old School Field.
- Clerk advises the insurers of the valuation, the Employer's Liability insurance is updated and any pro-rata increase in the premium is paid.

³ Kedington Parish Council Financial Regulations 2002

⁴ Land Registry Act 1862 and Land Transfer Act 1875

⁵ Land Registration (Open Register) Rules 1990

ANNEX 1



HM Land Registry



Official copy of register of title

Title number SK4896

Edition date 02.05.2019

- This official copy shows the entries on the register of title on 01 DEC 2022 at 13:14:50.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 01 Dec 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Kingston Upon Hull Office.

A: Property Register

This register describes the land and estate comprised in the title.

SUFFOLK : WEST SUFFOLK

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land to the West of Silver Street, Kedington.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.05.1966) PROPRIETOR: THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF WEST SUFFOLK of Shire Hall, Bury St Edmunds, Suffolk.
- 2 (17.05.1966) RESTRICTION: Except under an order of the Registrar no disposition by the proprietor of the land is to be registered unless made in accordance with the Highways Act, 1959 or some other Act or authority.
- 3 A Transfer dated 20 May 1966 made between (1) Raymond McLeod (Development) Limited and (2) The County Council of the Administrative County of West Suffolk contains purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

Schedule of personal covenants

- 1 The following are details of the personal covenants contained in the transfer dated 20 May 1966 referred to in the Proprietorship Register:-

"The Transferees hereby covenant with the Transferors that they will at their own expense erect on the southern boundary of the said land between the points marked A and B on the plan annexed hereto a fence approximately four feet and six inches high of chain link and timber posts provided that on the completion of the said fence it shall be and become the absolute property of the Transferors and the Transferors shall be under no liability for the future maintenance thereof."

Title number SK4896

Schedule of personal covenants continued

NOTE: Copy plan filed.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to rights of drainage.
- 2 A Conveyance of Land to the north-east of the land in this title dated 21 October 1963 made between (1) Saffron Walden Properties Limited (Vendor) and (2) Thomas Henry Shearer (Purchaser) contains the following covenants by the Vendor:-

The Vendor hereby covenants with the Purchaser and his successors in title that the Vendor and its successors in title the owner or owners for the time being of the land edged green on the said plan adjoining the land hereby conveyed will not at any time use or cause or permit to be used the said adjoining land for any purpose which would constitute a breach of the conditions (so far as the same shall remain effective and capable of being enforced) contained in a Permission given by the Clare Rural District Council under the Town and Country Planning Act 1947 and the Town and Country Planning (General Development) Order 1950 on the ninth day of August One thousand nine hundred and sixty-two for (inter alia) the erection of the dwellinghouse hereby conveyed in connection with the use as a small holding of the said land hereby conveyed and the said adjoining land edged green on the said plan that the whole of such land containing an area of 18.8 acres or thereabouts should be regarded as one land unit for the erection thereof of one dwelling only so as to avoid the sub-division thereof for residential purposes.

NOTE: The land in this title formed part of the adjoining land edged green referred to.

End of register

ANNEX 2

H.M. LAND REGISTRY		TITLE NUMBER	
		SK 23237	
ANCE SURVEY REFERENCE	COUNTY	SHEET	NATIONAL GRID
	SUFFOLK		TL 7046
1:1250 Enlarged from 1:2500		ST. EDMUNDESBURY DISTRICT	© Crown copyright 1973

KEDINGTON PARISH



This plan is shown by
as of the plan shown plotted
from the original papers and are
subject to revision on survey



COPY OF

LAND REGISTRY
opened 30.9.1915

TITLE NUMBER SK23737

This register consists of 2 pages

A. PROPERTY REGISTER

containing the description of the registered land and the estate comprised in the Title

COUNTY	DISTRICT
SUFFOLK	ST BILMUNSBURY

The Freehold land shown and edged with red on the plan of the above Title filed at the Registry being land lying to the east of Silver Street Kedington Parish.

B. PROPRIETORSHIP REGISTER

stating nature of the Title, name, address and description of the proprietor or the land and any entries affecting the right of disposing thereof

TITLE ABSOLUTE

Proprietor, etc.	Remarks
THE COUNCIL OF PARISH OF KEDINGTON of 22 Barkon Grove, Kedington Haverhill Suffolk registered on 30 September 1975.	Price Paid £1200
RESTRICTION registered on 30 September 1975:—Except under an order of the registrar no disposition by the proprietor of the land is to be registered unless made in accordance with the Physical Training and Recreation Act 1937 or some other Act or authority.	

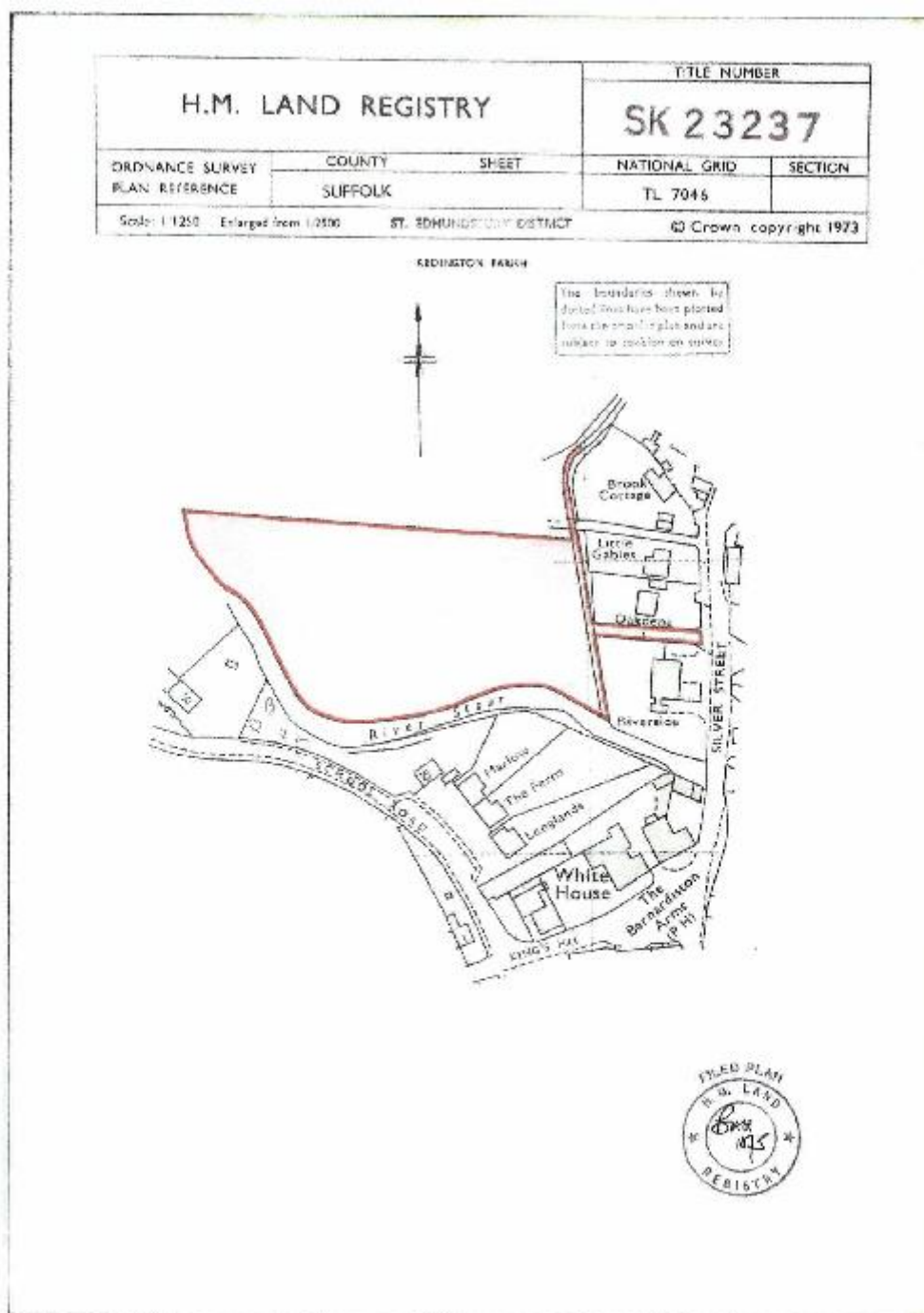
C. CHARGES REGISTER

containing charges, incumbrances etc., adversely affecting the land and registered dealings therewith

Entry number	The date at the beginning of each entry is the date on which the entry was made on this edition of the register	Remarks
1.	<p>30 September 1975—A Conveyance of the land to the north-east of the land in this title dated 21 October 1963 and made between (1) Saffron, Malden Properties Limited (Vendor) and (2) Thomas Henry Shearer (Purchaser) contains the following covenants by the Vendor.</p> <p>"The Vendor hereby covenants with the Purchaser and his successors in title that the Vendor and its successors in title the owner or owners for the time being of the land edged green on the said plan adjoining the land hereby conveyed will not at any time use or cause or permit to be used the said adjoining land for any purpose which would constitute a breach of the conditions (so far as the same shall remain effective and capable of being enforced) contained in a Permission given by the Clare Rural District Council under the Town and Country Planning Act 1947 and the Town and Country Planning (General Development) Order 1950 on the ninth day of August One thousand nine hundred and sixty-two for (inter alia) the erection of the dwellinghouse hereby conveyed in connection with the use as a small holding of the said land hereby conveyed and the said adjoining land edged green on the said plan that the whole of such land containing an area of 18.8 acres or thereabouts should be regarded as one land unit for the erection thereon of one dwelling only so as to avoid the subdivision thereof for residential purposes."</p> <p>REMARK:—The land tinted pink on the filed plan formed part of the adjoining land edged green referred to.</p>	
2.	30 September 1975—The land is subject to rights of drainage.	

Any entries struck through are no longer subsisting

ANNEX 3



This is a copy of the title plan on 1 DISK 3007 at 11:50:32. This copy does not take account of any application made after that time when it will pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of this plan is admissible in evidence to a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

HM Land Registry endeavours to maintain high quality and access accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Kingston upon Hull Office.

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Search for land and property information

Title register for:

land lying to the West of Silver Street, Kedington (Freehold)

Title number: SK23237

Accessed on 01 December 2022 at 11:29:12

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.



This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.

Register summary

Title number	SK23237
Registered owners	THE COUNCIL OF PARISH OF KEDINGTON 22 Barton Grove, Kedington, Haverhill, Suffolk
Last sold for	No price recorded

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date
1	SUFFOLK : WEST SUFFOLK The Freehold land shown edged with red on the plan of the above Title filed at the Registry and

being land lying to the West of Silver Street,
Kedington.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title absolute

Entry number	Entry date	
1	1975-09-30	PROPRIETOR: THE COUNCIL OF PARISH OF KEDINGTON of 22 Barton Grove, Kedington, Haverhill, Suffolk.
2	1975-09-30	RESTRICTION:-Except under an order of the registrar no disposition by the proprietor of the land is to be registered unless made in accordance with the Physical Training And Recreation Act 1937 or some other Act or authority.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title absolute

Entry number	Entry date	
1		<p>A Conveyance of the land to the north-east of the land in this title dated 21 October 1963 made between (1) Saffron Walden Properties Limited (Vendor) and (2) Thomas Henry Shearer (Purchaser) contains the following covenants by the Vendor:-</p> <p>"The Vendor hereby covenants with the Purchaser and his successors in title that the Vendor and its</p>

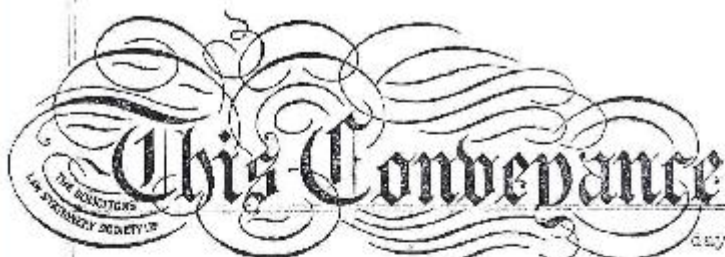
successors in title the owner or owners for the time being of the land edged green on the said plan adjoining the land hereby conveyed will not at any time use or cause or permit to be used the said adjoining land for any purpose which would constitute a breach of the conditions (so far as the same shall remain effective and capable of being enforced) contained in a Permission given by the Clare Rural District Council under the Town and Country Planning Act 1947 and the Town and Country Planning (General Development) Order 1950 on the ninth day of August One thousand nine hundred and sixty-two for (inter alia) the erection of the dwellinghouse hereby conveyed in connection with the use as a small holding of the said land hereby conveyed and the said adjoining land edged green on the said plan that the whole of such land containing an area of 18.8 acres or thereabouts should be regarded as one land unit for the erection thereon of one dwelling only so as to avoid the subdivision thereof for residential purposes."

NOTE: The land tinted pink on the filed plan formed part of the adjoining land edged green referred to.

ANNEX 4

Old School Field

[RECEIVED] FINANCE
21-7-72 84528
[INLAND REVENUE]



is made the *Twentieth*
day of *June* One thousand

nine hundred and seventy two BETWEEN THE COUNTY COUNCIL of THE ADMINISTRATIVE COUNTY OF WEST SUFFOLK (hereinafter called "the County Council") of the one part and THE PARISH COUNCIL of WEDINGTON in the County of Suffolk (hereinafter called "the Parish Council") of the other part

WHEREAS:

- (1) The County Council is seized of the property hereinafter described for an estate in fee simple in possession free from incumbrances but does not require the same for the purpose for which it was acquired
- (2) The Parish Council requires the said property for the purposes of its functions and is under the Local Government Act 1933 authorised to purchase the same
- (3) The County Council has agreed with the Parish Council for the sale to it at the price of Eight hundred and fifty pounds of the said property for an estate in fee simple in possession free from incumbrances subject only to the exception and reservation hereinafter mentioned

NOW THIS DEED WITNESSETH as follows:-

1. IN pursuance of the said agreement and in consideration of the sum of EIGHT HUNDRED AND FIFTY POUNDS now paid by the Parish Council to the County Council (the receipt of which sum the County Council hereby acknowledges) the County Council AS BENEFICIAL OWNER hereby conveys unto the Parish Council ALL THAT piece of freehold land containing 1.6 acres or thereabouts situate and having a frontage to the southerly side of Mill Road to the Parish of Basington aforesaid and forming part of Enclosure Number 211 on the Ordnance Survey Map (1926 Edition) for the said Parish WHICH said piece of land is for the purpose of identification only delineated on the plan hereto annexed and thereon coloured red and comprises the greater part of the land conveyed to the County Council by a Conveyance dated the Twelfth day of October One thousand nine hundred and fifty three and made between The Council of the Rural District of Clare of the one part and the County Council of the other part TOGETHER with such rights of light support and access as are now appertenant to or enjoyed with the land hereby conveyed EXCEPT UNREVERTIBLES AND RESERVING unto the County Council the right for the County Council to maintain repair and renew the existing one and a quarter inch ^{water}/pipe laid under the land hereby conveyed the approximate position of which is shown by a red line on the said plan and the right for the County Council its Officers servants and workmen with or without machinery and apparatus to enter upon the property hereby conveyed and break of so much of the surface thereof as may be necessary to carry out such maintenance repair or renewal doing as little damage as possible in the exercise of such rights but subject to the County Council forthwith making good any damage which may be caused to the land

herely conveyed by the exercise of such rights TO HOLD the same (except and reserved as aforesaid) unto the Parish Council in fee simple

2. THE Parish Council hereby acknowledges the right of the County Council to the production of the said Conveyance (the possession of which has been delivered by the County Council to the Parish Council) and to deliver of copies thereof and undertakes with the County Council for the safe custody thereof

3. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Five thousand five hundred pounds

IN WITNESS whereof the County Council has caused its Common Seal to be hereunto affixed and HARRY JAMES DOWNEY and ALAN DONALL MacSWAYED

two Members of the Parish Council have on behalf of the Parish Council hereunto set their hands and seals the day and year first before written

(THE COMMON SEAL of the said THE
COUNTY COUNCIL OF THE AGING DISTRICT
COUNTY OF WEST BUCKINGHAM was hereunto
affixed in the presence of:-

J. J. [Signature]
Chairman of the Council

Alan Donall MacSwayed
Clerk of the Council

