

MINUTES OF MEETING NO. 2 OF THE NOMANSLAND JOINT MANAGEMENT COMMITTEE

held in the Hewitt Room, The Memorial Hall, Marford Road, Wheathampstead on Thursday 13th January 2011 at 7.30pm.

Present:

Councillors: G. Churchard (Chairman), A. Brewster (Vice Chairman), G. Clark, J. Churchard, P. Kennedy, J. Newton-Davis, N. Page

Officers in Attendance:

Judith Adamson – solicitor – St. Albans City & District Council
Nick Sherriff – Parks and Green Spaces Officer
Alex Laurie – CMS
Richard Sweetland – Commons Ranger
Julia Warren – Clerk to Wheathampstead Parish council

Members of the Public - 8

Administrator

Mrs. I. Casper - Deputy Clerk Wheathampstead Parish Council

1. **APOLOGIES FOR ABSENCE** - None
2. **REPLACEMENT MEMBERS** – None
3. **DISCLOSURES OF INTEREST** - None
4. **NOTES OF MEETING HELD ON 1 JULY 2010**
The notes of meeting No. 3 held on 4 February 2010 had been circulated.
The following amendments were made
Item 10 (ii), page 3 add “without permission” after the word felled.
Add “straight across” after 8 metres – Add “along the road” after 48 metres.
The minutes were then confirmed and signed by the Chairman.
5. **BRIEFING NOTE – NOMANSLAND COMMON JOINT MANAGEMENT COMMITTEE**

A briefing note on the Constitution and Terms of Reference for a Management Committee had been circulated to all members.
The Chairman gave a brief background to this item. Committee members wish to have clarification of the Terms of Reference of this committee.

The Chairman and Vice Chairman had met with SADC officers to discuss this item to help clear up any misunderstandings on the management of the Common.

Judith Adamson then gave a report.

The briefing note confirmed the scheme of management vested in St. Albans District Council (appendix 1). The committee had been established to regulate and manage the Common but ultimate responsibility lay with SADC.

Reference was made to minutes of 1974 when “standing orders” for the Nomansland Joint Committee were set out.

a) Parochial Joint Committee

has power to act on administrative matters within “approved estimates and policy” of the Council, with any other action by way of recommendation.

b) Membership

3 representatives of the District Council and 3 representatives of each of the Parish Councils. (Altered at a Council meeting on 17th June 2010).

c) The Committee will be asked to re-consider membership to allow more presentation from Parishes & District Councils.

d) The Committee will be administered through Officers of the District Council and retain the warden.

Nomansland Common is owned in part by Wheathampstead Parish Council and part by Althorp Estates. Effective under the Commons Act 1845 the scheme of management comes first then ownership.

Cllr. Clark asked for clarification of Wheathampstead Parish Council's responsibility within this framework.

Ms. Adamson explained that the scheme of management was the normal practice of Commons management.

Cllr. Page referred to documents; dated 1953 and 21 Dec 1951.

He proposed that the committee ask SADC to reconsider the paperwork that has been submitted and have further discussions with interested parties.

Members agreed that more investigation and discussion is needed on this item before a final decision can be made.

Ms. Adamson agreed to look at any paperwork submitted by Cllr. Page.

DECISION

Cllr. Page to let SADC officers see any pertinent paperwork, which may lead to the modification of future documents

ACTION

1. Paperwork referred to by Cllr. Page to be submitted to SADC for further investigation.
2. This item to be on the agenda at the next meeting of the committee.

6. **PROGRESS REPORT**

Nick Sheriff Parks and Green Spaces Officer reported on works emerging from the Management Plan.

- (i) Weed wiping of the birch re-growth was completed in July at Dry Bottom Valley and the area of heathland adjacent to the cricket ground.

- (ii) The inclement weather before Christmas delayed works slightly. Quotes for winter works have now been received and the work has been awarded to John O'Connor (Grounds Maintenance Ltd). This will commence in the first or second week of January and will be completed by the end of February (weather permitting). As reported and discussed on the Commons walk, tree thinning and opening up existing rides will be the majority of the work, along with the removal of dead elm near the boardwalk and Silver Birch removal near the flying area. Some of the timber will be used at Caesars Road Open Space in Wheathampstead as part of a new play area being built there. We also aim to undertake another section of hedge renovation on the southern boundary this winter.

Cllr. Page asked when the dead elms along the old walk (near the Boardwalk) would be removed. This is the third time this request has been put. The elms need removing and the footpath needs maintenance.

Other committee members expressed their concerns about this footpath.

Nick explained that there is always a health and safety issue with dead wood. If it can be left alone because of low footfall it is. He agreed to instruct the Contractors to add removing these elms to this years work. The footpath is a 'desire line' and could be closed off. The dead wood could be used for this purpose.

ACTION

Nick Sherriff - Removal of dead elms to be put on the contractor's work sheet for this year.

- (iii) Interpretation

Comments made on the interpretation signage and leaflet were much appreciated and have been incorporated into the designs now being produced for delivery and installation in line with the access works. The final design and leaflet was circulated at the meeting.

Access over Ferrers Lane and walks are shown on the leaflet.

Members agreed that this will be a real benefit to visitors to the Common.

As soon as the leaflet is ready it will go on the Parish Council web site.

The entrance signs have now been installed. Due to a request made by Wheathampstead Parish Council, six signs will be removed to allow for new signs to be installed with the Wheathampstead Parish logo etched on. They will be added to the areas of Common owned by the Parish Council.

(iv) Access Improvements on the Common

Quotes for the access improvements discussed at the last committee meeting have now been received and work will take place in the New Year.

The steps on FP32 from Sandridge need attention. A site meeting had taken place between members of the Access Forum, Louise Nicho (Heartwood Forest) and Julian Thornton (HCC). All were in favour of the footpath being changed to a bridleway. All Committee members support this change.

Nick will go and look at the steps to check on their condition.

The Woodland Trust has now completed the steps from Heartwood Forest. Their intention is to make the entrance a permissive bridleway. The site manager would like to know the Committee's views on this proposal. It would mean that a horse ramp would need to be installed and scrub vegetation clearance carried out to open up the ride. The Committee are in support of this.

ACTION

Nick Sherriff will pay a site visit to look at the condition of the steps on FP32.

RESOLVED

To note the report

7. **RANGER'S REPORT**

Richard Sweetland gave a verbal report.

There has been a steady flow of visitors to the Common during the winter weather.

- Some impressive snowmen were built, snow balls were being thrown and children were sledging.
- General patrol and litter picking across the entire Common ongoing.
- A small amount of rubbish was dumped in Ferrers Lane car park.
- A huge amount of fireworks have been let off on the Common and debris left behind.
- Pest Control is ongoing in consultation with police and local landowners.

RESOLVED

To note the report.

8. **ITEMS RAISED BY MEMBERS OF THE COMMITTEE**

The Chairman accepted questions from members of the public.

Mr. Hill – SAD Access Group

Members of the Access Group were concerned about the safety of the boardwalk. People in wheelchairs could get to the end where the steps are to find the exit unsuitable. There is a warning sign there, but it is too high and out of the way to be read by wheelchair users.

ACTION

Nick Sherriff will rectify the sign.

Mr. Stocker – (Questions via email)

- a) *Concerned re Silver birch tree cut down near the flying area.*
- b) *Concerned Model aircraft flyers regularly stray out of their designated flying area well to the north of Ferrers Lane.*
- c) *There appears to be only one legible set of bye-laws on display on the Common.*
- d) *Concerned about the amount of wooden posts on the Common*

The committee had agreed to the cutting down of the silver birch trees during the Annual Inspection.

The Nomansland Warden responded that in the five years he had been resident on the Common model aircraft have never caused him an audible problem.

When he is patrolling the Common he has noted that occasionally an aircraft strays from the designated flying area, but he added that it was only fair to comment that from the top of the Common it can be difficult to determine where the plane is in relation to the boundary of the flying area. The majority of the flyers are responsible and there is no cause for concern. No complaints from the public have been received.

There is a Code of Practice notice re Model Aircraft Flying in Ferrers Lane Car Park.

The new interpretation panels will display bye-laws for use of the Common.

The wooden posts referred to are the new way marker posts.

ACTION

The Administrator to forward the Wardens response to Mr. Stocker.

Mr. Culver

- a) *Request for permission for 4 i/c powered models to fly at any one time on place of the currently allowed 2.*
- b) *Request for made-up path from the Ferrers Lane Car Park to the bench at the top of the hill to allow disabled people to benefit from taking the view from that focal point as can the able bodied.*

Members discussed the implications of extra planes flying and agreed to a three moth trial period when 3 planes may fly. Feedback to be brought to the next committee meeting in April. An article will be put in Wheathampstead Parish Council's local magazine "The Pump" informing people of this trial period.

Disabled Access to the Common is being looked into by a SADC solicitor.

DECISION

1. Members agreed that for a trial period of three months 3 aircraft may fly at any one time. The trial period to start from Saturday 15th January 2011.
2. An article regarding the trial period of extra flights to go in The Pump.
3. The Warden to report any feedback to the next committee meeting on 7 April 2011.

ACTION

1. The Administrator to send the committee decision in writing to Mr. Culver to show to any concerned members of the public.
2. An article regarding the trial period to go in "The Pump".

Questions from Committee Members

Cllr. Newton-Davis

- a) That we increase the meetings of this committee from 3 to 4 a year to allow greater involvement and awareness of what is required, and that tow site inspections be arranged each year, ahead of the spring and autumn meetings.

Members agreed that communication between SADC officers and committee members has improved.

Cllr. J. Churchard advised that 2 meetings a year, after an inspection of part of the Common, would be more focused and could be more productive.

DECISION

Increasing of committee meetings to be on the agenda at the next committee meeting.

ACTION

SADC Officers to consult with senior SADC officers to see if their attendance at 4 committee meetings a year is possible.

Cllr. Brewster

- a) Wheathampstead Cricket Club would like to renovate their tatty nets, does the NJMC see any problems?

This work is renovating the existing area, not extending SADC officers don't see that it needs consent under Section 38. WPC may need to take legal advice on this. Committee members have no problems with the refurbishment of the nets.

- b) Would NJMC please consider a request received from residents regarding repairs to the track to Amwell Farm Cottages.

WPC had provided information to the District Council regarding the lease between WPC and residents of Amwell Farm Cottages prior to the meeting.

As the track is on the Common it is subject to restrictions under the Scheme and Commons Act 2006.

Section 38 of the act prohibits “restricted works” from being carried out on Common land without consent from the Secretary of State. This includes land subject to a scheme of management (s38 (5)). “Restricted works” include “resurfacing of land” (s38 (2) (b)). Works are defined as “resurfacing of land if they consist of the playing of concrete, tar macadam, coated roadstone or similar material on the land” (s38(4)).

However, section 38(4) also provides an exception where the works are only for the repair of an existing surface already made of one of the specified materials.

As the track is not currently constructed of the material mentioned in the letter from the residents, and the surface proposed would fall within section 38(4), the proposed work would require consent from the Planning Inspectorate.

Residents of Amwell Farm Cottages need to seek the view of the owner of the land (WPC) to see if they would support an application to the Planning Inspectorate.

DECISION

Wheathampstead Parish Council and the residents of Amwell Farm Cottages should consider obtaining independent legal advice on this item.

Cllr. Page

Members of this committee should discuss the budget. There have been instances when money has been spent by officers and the committee not consulted.

DECISION

Nomansland Common Budget to be on the agenda at the next committee meeting.

ACTION

Administrator.

9. **ST. ALBANS DISTRICT COUNCIL - Web Site**

Cllr Page complained that there is no link to past Nomansland Joint Management Committee minutes on the SADC web site.

SADC are improving their web site at the moment. The upkeep of the web site will be in house and links to relevant sites should be improved.

Wheathampstead Parish Council will be uploading to its own web site imminently.

10. **DATES OF NEXT MEETINGS**

Meeting No. 3 – Thursday 7 April 2011

Annual Inspection – Thursday 7 July at 6pm to be followed by a committee meeting at 7.30pm.

The meeting ended at 9.15pm.

(signed)

CHAIRMAN