

Wildernesse Residents Association

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Minutes of Wildernesse Residents Association (“WRA”) Annual General Meeting (“AGM”) on 4 March 2019 at 7.30 at Wildernesse Golf Club, Park Lane, Seal.

In attendance: members from 32 houses

Apologies for absence: Kilnwood (BL); Greenmantle (P); Wealden Hall (P); Wood Ridings (P); Beechwood (WA); Heron’s Nest (WA); Alverstone (WR); Red Court (WR); Strathalmond (WR).

Present: Margaret Crabtree (Kent County Council), Tim Martin (Seal Parish Council), Roderick Hogarth (Sevenoaks Town Council). Roger Gough (Kent County Council) arrived after the end of the meeting.

Introduction - David Knox (Chairman WRA Executive Committee)

Minutes of 2018 AGM – taken as approved

Report of Chairman – David Knox (“Chair”)

Since the Special General Meeting last June your committee has been busy on a number of fronts as you might expect. Edited highlights include the following.

We have met with Kent County Council, Sevenoaks District and Town council and Seal Parish Council. These meetings were primarily to introduce ourselves as a new committee to these bodies and to ensure that we have open and constructive lines of communication. I am pleased to welcome to the meeting today some representatives of those bodies, namely Roger Gough and Margaret Crabtree from Kent County Council, Tim Martin from Seal Parish council and Roderick Hogarth from Sevenoaks Town Council.

In terms of the structure of WRA, we have taken legal advice from three different firms with regard to role, our structure and our governance. This has included a discussion over whether to move from an associate organisation to a more formal corporate structure. We have concluded for the time being that we will remain as is but for information we will be taking out D&O insurance for Committee members

We met with Sevenoaks District Council on the matter of the Design Statement and communicated with you thereafter. The council’s view following the consultation process was that the Design Statement lacked broad support from the Wildernesse Estate residents which is not consistent with what might typically be expected in the process of adopting a Village Design Statement. In any event, the District Council has embarked upon a rolling programme of updating the District’s conservation area appraisal management plans (“CAAMPs”). It views our 2010 CAAMP as being the most important supplementary document in the planning process for the Estate and this will be updated at some point. It would be unhelpful to produce a further supplementary planning document ahead of this. So, for the time being, the 2010 Wildernesse Estate CAAMP carries greatest weight alongside the local and national planning framework. We have produced a checklist of the key points contained within the Wildernesse Estate CAAMP (which is, in fairness, a fairly unwieldy document) and we are happy to share this with anyone who would like to see it, in particular perhaps those residents considering planning applications. As a committee we look at all planning applications on the estate and we consider their impact on the conservation area and the covenants according to this checklist.

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We did so with the planning application for Blackhall Spinney, to which we objected as a matter of public record, and we also believe that this application would be in breach of the covenants. We did so with Tanglewood and have communicated with you. Again, this is on record and our primary concerns relate to height and scale of the proposal, so being in contravention of certain key aspects of the 2010 CAAMP. We have also been in dialogue with residents at another property on the Estate where we were concerned about a potential covenant breach related to the development of an outbuilding and I am pleased to say that we have made good progress in this case and expect to reach a positive outcome.

We are in the process of rewriting our constitution which, although it has stood the test of time since its origination in 1996, is in need of being updated. We intend to share with you the key changes for consultation, following lawyers' input, and then we aim to put the proposed amendments to a vote electronically in the next few months and certainly ahead of the next AGM. Most of the likely proposed amendments to the constitution relate to the operation of the WRA Executive Committee. Within that there will be some re-drafted key objectives of the WRA. The re-drafted objectives are incorporated in the revised role statement which we distributed with papers alongside the agenda for this meeting.

The role statement provides, hopefully, a straightforward guide to the remit of the WRA committee, consistent with the objectives of the WRA and also, how, in practice your committee can help to implement these. This is a minor modification to the last role statement that was produced.

I would like to draw your attention to a couple of points in particular. We believe from prior consultation with members that our key priorities are to protect the restrictive covenants and to preserve the conservation area. In point 2 we make the point that legal advice has informed us that these two roles are inextricably linked. We have received written confirmation of this relationship from a leading London firm. In this regard, an interesting ruling was delivered in January from the Upper Tribunal Lands Chamber which ruled in favour of an applicant wishing to modify a restrictive covenant under section 84 of the Law of property Act, 1925. The ruling in favour was due to various factors including specific negotiations between connected parties previously which are not relevant to our Estate and so further distance its relevance or precedent to us. But most importantly, the covenant was deemed obsolete due to the significant changes to the character of the area. That demonstrates why the character of our area and the preservation of our conservation area are of such importance to the ongoing applicability of the covenants. This is further strengthened by the fact that, in law, the Estate is deemed to be a building scheme, whereby title to properties was derived from a common vendor.

Finally, the 3rd and 4th points in the role statement could be seen to have quite wide remits for representing, helping and communicating with members and residents and carrying out other activities. And here the committee would very much welcome your input. Specifically, I want to refer to two situations in this regard. We are saddened by the recent escalation in crime, both petty and major, on and around the Estate. We have communicated this as soon as we can to alert residents and to help with vigilance. Please tell us if we should not be doing this or indeed if you think we should be doing more. So, I would like to ask you whether we should be doing more in this regard?

Also, we have been engaged in the past on road and traffic matters around and on the Estate. The proposed expansion of the Trinity School and associated traffic plan creating entry and exit for buses directly on to the A25 is one such relevant situation. The committee previously, and then Allan Churchman in an ongoing personal capacity, have had some success in bringing to the attention of SDC and KCC the issues and in making proposals, and some of the proposed recommendations have been adopted in the latest plans. Allan kindly updated me that, under the current proposals, there is a definite improvement in terms of the bus drop off and entry and exit plan but issues remain unresolved with regard to parents dropping off children by car, the sheer scale of the schools at their maximum in terms of pupils and staff and the danger of the 40mph speed limit on the A25.

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Having an engagement in road and traffic issues is a material task. We obviously have a serious escalation in traffic affecting all our roads and, in particular, Park Lane, Blackhall Lane and Seal Hollow Road. Anyone who wants to join the committee, especially from those roads, or just form a standalone sub-committee to help with such matters would be most welcome. Again, the committee welcomes your input on the extent to which you believe that traffic issues should be a defined brief of the WRA. If so, should we establish a sub-committee dedicated to this role which can include members who are not members of the executive committee?

With regard to Pegasus Life and Wildernesse House. They updated us in January as to the state of development. At that point they were completing the final stages of readying the apartments of Wildernesse House for completion and for the arrival of the first residents. It was their intention then to launch the restaurant and spa/wellness area in early Spring. The last phase of the development is the so-called Sylvan site at the bottom of Dorton Drive off Woodland Rise. This site will be established shortly and construction works are anticipated to commence in April or May this year. Discussions with SDC are continuing in relation to improved positioning of the access road on to Park Lane.

Finally, we hope that you are happy with the level of engagement and communication of your committee but please do let us know if not. We remain committed to listening and to communicating and to serve our primary purpose which is to represent you as best we can. In this regard we are aware of the need to update our website at some point. Do let us know if you can think of any young (or otherwise) volunteers or who might want to help us with this.

Thank you to you and to all the committee for all their hard work.

Role Statement

The general view was that the security emails are valuable and that the Police tend to be disinterested. It was suggested that the Committee provide members with a menu of further security approaches that the Committee could offer to the whole Estate rather than just to members.

There may be residents who do not wish to receive emails regarding security matters so we should ask people if they want to be on the distribution list for these communications.

There was discussion about the merits of CCTV as a deterrent and in terms of aiding the identification of culprits.

One member asked whether there was an opportunity to “piggyback” off Wildernesse House security and the Chair agreed to contact the liaison manager at Pegasus Life.

It was agreed that it would be helpful for the Committee (or a sub-committee) to have responsibility for liaising with the Council about traffic on the roads around the Estate, as long as it does not distract from the main responsibilities of the Committee. The Chair agreed to try to corral support to input to the Council on traffic issues.

Treasurer’s Report – Peter Calvert (“PC”)

Circulated with AGM notice and taken as read – see Appendix.

The Committee is proposing that the subscription rate remains at the same level as last year – £100 per full member household for 2019.

Resolution – that the WRA subscription membership rates are maintained at 2018 rates – CARRIED

One of the members asked how many “free-loaders” there are (ie residents who benefit from the activities of the WRA Executive Committee but do not pay to join the WRA).

PC responded that there are more on the non-private roads (ie Seal Hollow Road and Blackhall Lane). There are also a number of empty houses and some very elderly residents who have

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declined to join. Membership levels vary between the roads on the Estate. Details are contained in the Treasurer's Report.

A member asked why there is such a big variation in the proportion of houses that are members between the different roads and the Chair responded that we need to rebuild residents' confidence in the WRA. Another member asked whether the membership fee could be compulsory (a levy) rather than voluntary. The Chair responded that it would be pretty much impossible. It was observed that the residents at the top of Blackhall Lane had suffered significant disruption from the development opposite (on plots that are not part of the Conservation Area and not covered by the covenants).

Re-election of officers

David Knox standing to be re-elected as Chairman – proposed by Peter Calvert; seconded by David Moscow

Mark Kibblewhite standing to be re-elected as Deputy Chairman – proposed by David Knox; seconded by Richard Silva

Roz Roxburgh standing to be re-elected as Secretary – proposed by David Knox; seconded by Richard Campin

Peter Calvert standing to be re-elected as Treasurer – proposed by David Knox; seconded by Duncan Rodgers

Re-election of Committee members

Barry Vanns is retiring from the Executive Committee to concentrate on his work with the charity Age UK. The Chair thanked Barry for his contribution.

Martin Greenslade - proposed by David Knox; seconded by John Phipps

Carrie Thompson - proposed by David Knox; seconded by Nick Moore

A member asked whether there had been any steps taken to replace Barry Vanns. The Chair responded that we have put out an appeal for more Committee members but no-one has come forward. We are keen to have as much representation across the Estate as possible.

Any other business

Sylvan Development

Has the Committee had any feedback from the Council on why the latest planning application was approved? There were about 100 objections on the Council's website.

It was observed that the increase in the number of units will enable Pegasus to reduce the price – they have not sold many of the properties in the main development. The Chair expressed a view that it is critical that Pegasus sells all the properties and that the business venture works. If it falls into disrepair, or is sold on for an alternative use, we may have greater problems on our hands.

Traffic

One of the reasons for the high volume of traffic near the Trinity school is that any traffic coming from the east that is heading towards Tunbridge Wells is likely to go up Seal Hollow Road. This would be resolved if there was a slip road off the M26 at Sevenoaks.

The Councillors present were asked whether there is anything more the Estate could do to put pressure on the Council to allow the slip road to be built. Margaret Crabtree (Kent County Council) encouraged members to write to her. The more emails she receives the stronger the argument. The Council also looks at the accident record. Margaret Crabtree's email address will be circulated to members.

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Authority of Executive Committee

A member asked whether the letter of objection to the Tanglewood planning application should have been signed “WRA Executive Committee, on behalf of the members” rather than simply WRA, which implies the letter had been discussed with members. The Chair explained that the Committee has been elected by the members to act on their behalf and remove the need for a membership referendum on every matter on which the WRA needs to act. This is how representative democracy works.

A member contended that there is a cohort of residents who were not present at the meeting who may not be happy with the way the WRA operates. The Chair responded that all residents were invited to the AGM.

Resolution: that members believe that it is appropriate for the Executive Committee to take decisions on behalf of members of the Wildernesse Residents’ Association? CARRIED

The Chair explained that the Committee is not opposed to modernisation and development on the Estate. Tanglewood would benefit from modernisation and there was full discussion at Committee meetings which has been minuted. The Committee looked at the Tanglewood planning application in the context of the CAAMP and found that it contravened the principles of the CAAMP in respect of height and scale, which are massive factors in the context of conservation. The purpose of the objection was to ensure that the Council looks closely at the application but ultimately it is the Council’s decision.

Blackhall Spinney

A member asked whether the residents at Blackhall Spinney are any closer to building. It is the renewal of planning permission that had already been granted but with an additional drive.

The Chair explained that if they start digging and there has been no application for variation to the covenants, the WRA would serve injunctions. The WRA has already sent letters from our lawyers. The Committee has offered to meet the owner but he has not taken up the offer.

Leaf-blowers

Please could residents ensure that their gardeners only use leaf-blowers when necessary. The noise is intrusive to other residents.

As there was no other business, the Chair declared the meeting closed.

APPENDIX

Wilderness Residents' Association Hon Treasurer's Report for the year ended 31 December 2018

Membership for 2018 was 104 households, a decline from 106 in 2017, though still up on earlier years. The decline reflected the fact that we paused subscription gathering for a number of months in mid-year while the committee was reconstituted. We have reason to hope that we will resume the rise in membership next year.

Total income was £10,311, almost entirely from membership subscriptions.

Fees for legal advice fell to £300. However, we expect these fees to rise in the current year as we seek advice on a number of points to ensure that the reconstituted committee is as well prepared as practical to defend the covenants and support the Conservation Area. Administration expenses of £351 were primarily for holding the AGM and the later Special General Meeting when the committee was reconstituted.

Our solid income and reduced costs enabled us to continue to rebuild our finances which had been significantly depleted in earlier years. The association's funds at the end of 2018 were £27,491 compared with £17,832 the previous year.

In planning our finances, the committee believes that it is necessary to hold a significant reserve to enable us to take appropriate steps against threats to the covenants or the environment of the estate which may arise. Legal costs can mount quickly and we must have sufficient funds to obtain appropriate advice and carry out necessary steps to try to resolve issues efficiently and promptly – as we have successfully done in the past. Experience has shown that quick and resolute action is typically the best way of resolving threats to the estate. It has also shown that threats can arise suddenly with little warning. We are aware at present of at least one potential threat.

We therefore propose that subscriptions for 2019 should remain at the same level as 2018:

Full membership	£100
Associate membership	£50
Friends	£30

Associate membership covers those living in the Stables in Wilderness Avenue and those who move in future into Wilderness House. These residents are not covered by the covenants but still do benefit from our efforts to maintain the environment of the Estate. Friends are residents from outside the Estate who are interested in and supportive of our activities.

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Wilderness Residents' Association
Accounts for the year ended 31 December 2018

	<u>2018</u>	<u>2017</u>
Income and expenditure account	£	£
Subscriptions for year (note 1)	10,210	10,460
Advance subscriptions for following year	100	0
Late payment of previous year subscriptions	0	0
Sales of 1925 reprint and 2000 brochure	0	0
Bank interest	1	1
Total income	<u>£10,311</u>	<u>£10,461</u>
Legal and professional fees	300	1,662
Administration expenses	351	842
Total expenditure	<u>£651</u>	<u>£2,504</u>
(Deficit)/surplus for the year	9,660	7,957
Funds brought forward	17,832	9,875
General fund	<u>£27,491</u>	<u>£17,832</u>
Represented by		
Current account	26,668	17,009
Savings account	823	822
	<u>£27,491</u>	<u>£17,832</u>

Notes

		2018				2017
1 Membership details	<u>Potential</u>	<u>Members</u>	<u>%</u>	<u>Subscriptions</u>	<u>Subscriptions</u>	<u>Members</u>
Blackhall Lane / Spinney	32	16	50%	1600	1600	16
Park Lane	3	1	33%	100	100	1
Parkfield	25	18	72%	1800	1800	20
Seal Hollow Road	17	8	47%	800	800	8
Wildemesse Avenue (inc Seal Drive)	45	24	53%	2400	2400	28
Woodland Rise	38	34	89%	3400	3400	31
Associates (Stables, WA)	10	1	-	50	50	0
Friends (Blackhall Ln / Quarry Hill)	-	2	-	60	60	2
TOTALS	<u>170</u>	<u>104</u>	-	<u>10,210</u>	<u>10,210</u>	<u>106</u>

Peter Calvert Hon Treasurer
1 February 2019

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