

## **Informal Meeting Notes: Borden Parish Council (BPC) & Kent County Council (KCC) Discussion on Nature Reserve Lease Renewal**

**Date:** 30<sup>th</sup> January 2025

**Location:** Teams

**Attendees:** From BPC: Jeremy Bolas (JB), Nicola Butlin (NB) & Teresa Millum (Clerk):

From KCC: Jason Harris (KCC)

The meeting was convened at the request of JH from KCC to discuss the reasons behind the Parish Council's recent correspondence requesting a face-to-face meeting with KCC to address the issues surrounding the renewal of the lease for the Nature Reserve.

JH advised that further information is needed so that he can go back to the team and set an agenda. To do this he needs to get a picture of where the Parish Council is at and how they would like things to progress, to find a pathway forward if possible.

**Cllr Bolas outlined the concerns that need to be addressed in the meeting with KCC as summarised below:**

### **Introduction and purpose:**

The Nature Reserve is regarded by parishioners as a valuable piece of land both for nature and recreation.

The aim is to ensure that the Nature Reserve can continue to be managed in a way that benefits both wildlife and the local community without placing the Parish Council at financial risk.

The land is very important to our community as it provides space for nature and recreation. However, with ongoing developments surrounding us, wildlife is losing crucial habitats. The Nature Reserve is home to several protected species and is used by seasonal migrating species. As the Wises Lane and other developments increase, there is increased pressure on local habitats including displaced species for foraging. Additionally, the reserve provides educational and health benefits to school children and parishioners.

### **Financial:**

The growing financial burden of maintaining the Nature Reserve as KCC would wish, is becoming unsustainable. The Parish Council is facing significant financial pressure, particularly in maintaining trees, including the Poplars which run along the northern edge, some of which are in very poor condition.

The costs for maintenance are rising, with previous quotes for pollarding ranging from £9,000 to £20,000 and before that the renewal of fencing which was circa £9,000, for which a grant was secured from SBC (with an additional estimated sum of £5000 still required to complete it).

To effectively manage the reserve, it is estimated that an additional £10,000 per year would be necessary, which would require a 12% increase in the precept (precept explained to JH). This is in addition to the already planned 10% increase in the precept for other essential services, leaving little room for additional financial commitments. With grants becoming more difficult to secure, this presents a significant financial burden on the Parish Council's budget requirements.

An agreed solution is needed to ensure the reserve's sustainability without compromising the Parish Council's responsibilities to the community in delivering other vital services to parishioners such as Playstool maintenance, foot lighting and events.

The £42,000 Section 106 agreement related to the Wises Lane development was allocated to KCC.

**JB asked:** What KCC intend to use the £42,000 from the Section 106 agreement for, and could it be available for the nature reserve'?

**JH responded:** that as mentioned per a previous email, in principle, from what his superiors have told him, the full amount could be available to the BPC for use in the Nature Reserve, but with certain stipulations (e.g., for footpath management and other considerations arising from increased footfall due to development).

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### **Contamination and environmental:**

The previous use of the site was as a landfill, which JB observed could be a source of contamination, including methane. Several trees have died in this area, with two recently, raising concerns about the long-term risks.

From their correspondence, the Parish Council has not received any positive information from KCC regarding the level of contaminants either under the soil or along the northeastern edge of the reserve.

It is felt that there is clearly something wrong there, as a higher rate of tree death has been seen which also points to contamination, potentially from methane or other harmful substances underground.

There is also a similar issue across the road at Cryalls Lane, where a large area of land was regularly sown with maize, However, this land failed to germinate, which further suggests the possibility of contamination.

KCC's response to the contamination concerns raised by the Parish Council appears to be that this issue is not the responsibility of the Parish Council, without clarifying who should be held accountable.

JB suggested that it is KCC as the landowner, along with the relevant environmental agencies responsible for addressing the potential contamination issue.

Additionally, the difficulty in securing insurance to cover risks associated with contaminated land was highlighted, including potential tree losses and risks to animals or people using the area. JB confirmed that KCC also said that such insurance is unavailable.

**JB stated** that there has been no satisfactory answer from KCC as to who is responsible for the consequences of contamination.

### **Development impact and drainage issues:**

The recent flooding from the rugby pitch development onto the Nature Reserve was discussed.

JH commented that he believes some investigation and mitigation by the company who is doing the rugby fields have been undertaken so hopefully that won't happen again. Steve Darling who looks after the Nature Reserve for KCC was aware and had some conversations with the developers.

JB asked if JH was aware of the soils? and shared that the rugby pitch is on the site of a brick earth extraction. The developers had a reasonable layer of topsoil over and above the brick earth which they scraped off to level for the rugby pitches. What they scraped down to was a layer of impermeable clay, which causes significant drainage issues. When the developers levelled the land, large machinery was used, disturbing the soil and leading to runoff that affected the area adjacent to the nature reserve. This runoff flowed down the side between the rugby pitch and the capping, where the soil beneath the capping is more porous. As a result, the area has experienced significant drainage problems, particularly in the northwest corner of the reserve, where the runoff continues to accumulate.

There are plans for the developers to install a borehole to address these drainage issues. However, given the compaction of the clay subsoil and the loss of porous topsoil, the borehole, in JB's opinion, is unlikely to solve the problem. The borehole would most likely silt up due to the compacted soil structure, and the issue of poor drainage would persist. This would likely lead to potential issues with land management next door as they are now at a level which is very slightly elevated compared to that of the Nature Reserve. This elevation could lead to more runoff into the reserve, further exacerbating drainage issues including at the northwest corner.

In summary, the soil and drainage issues at the reserve, compounded by its history as a landfill and the neighbouring developments, pose ongoing challenges to the management and sustainability of the site.

NB stated that when they start work on Platinum Way on the northeast side it may also be a risk there.

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### **Designated Status:**

Concern was noted regarding KCC's lack of support to get the reserve recognised as a designated Nature Reserve, which would provide legal protections for wildlife and help manage threats from the nearby development. The lack of formal designation makes the reserve vulnerable to future development pressures and reduces its environmental protections. Without this status, the reserve is more easily disregarded by developers and others.

Developers have pointed out the fact that the Nature Reserve is not designated and therefore, does not have the official protection that designated status would offer. This lack of formal status causes problems as it makes it easier for developers to push for further development in the area.

**NB asked:** Why the Nature Reserve was not designated

**JH responded:** That he did not know.

JB shared that when the site was used for brick earth extraction, the excavation went down a considerable depth, once brick earth was removed, the site was used as an unregulated local tip. This was capped about 20 years ago and BPC were not allowed to plant any deep-rooted trees at the time, due to concerns that their roots might penetrate the capping and reach the waste below. Since then, natural vegetation has now grown, in time if the roots from the trees and vegetation interfere with the capping, BPC would not be in a financial position to do anything.

### **Fly-tipping and Antisocial Behaviour:**

The antisocial behaviour including fly-tipping was highlighted as a recurring problem in the Nature Reserve. Small amounts of waste are cleared by volunteers, but large-scale fly-tipping requires formal removal, which incurs significant costs.

There is concern that as the surrounding area of Cryalls Lane becomes quieter due to the change in road use, fly-tipping and antisocial behaviour may increase, adding to the financial burden of maintaining the reserve, especially as the population increases.

### **Proposal for a Face-to-Face Meeting:**

JB expressed a strong preference for a face-to-face meeting with the KCC Team to discuss these issues and seek a resolution, as direct communication would be the most effective option.

A potential meeting would need to address:

- Financial sustainability and KCC's support for funding the Nature Reserve's upkeep.
- The contamination issue and who is responsible for addressing it.
- The formal designation of the Nature Reserve and the necessary protections.
- How Section 106 funds can be allocated to help the Nature Reserve.
- Addressing the ongoing issues of antisocial behaviour and fly-tipping.

### **Next Steps:**

- JH will review the information presented and prepare a summary of the key issues and concerns for his KCC team, outlining the desired outcomes.
- JH will let BPC know when his team have reviewed the key issues discussed and confirm the date, time and agenda of the next meeting with BPC.