

Fernwood Residents' Association (FRA)

Minutes of the FRA Committee meeting
held at 7.00 pm on Tuesday 5 January 2016
Fernwood, Village Hall

Present:

Secretary - Sue Taylor (ST)
Treasurer - Jeff Hobson (JH)
David Heath (DH)

Sue Hobson (SH)
Barry Smith (BS)
Ken Forbes (KF)

Parish Council Chairman: Jim Weale (JW)

1 WELCOME

Due to the lack of a Chairman, DH agreed to run the meeting agenda. He welcomed everyone and wished them a Happy New Year.

2 APOLOGIES

None

3. MINUTES OF THE PREVIOUS MEETING – 3rd November 2015

The Minutes were accepted as an accurate record.

4. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING – 3rd November 2015

Chairman Vacancy: The Committee felt that they could remain effective until 7th June (AGM) with the Chairman of FPC standing in as 'Acting Chair'. DH agreed to run the March, May and June meetings but confirmed he was not willing to become Chairman due to on-going personal commitments. Other members of the committee will volunteer to run the February and April meetings.

The committee felt it is important that Fernwood continue with a Residents Association to provide a voice of the village and to be a representative of all groups providing strength in numbers. The objectives of FRA need to be discussed at a future meeting.

Signatories to the Accounts: DH, JH & ST are registered with the bank as signatories and will remain until after the AGM.

Fernwood Project Fund: The Baby & Toddler group have received the cheque and have supported the village with an article for the Fanfare. Invoices/copy invoices for the spend are still awaited.

SLA: Fernwood Parish Council wrote to First Port advising that the document could not be recognised as a Service Level Agreement but only as a 'check list' of jobs to do. The PC haven't heard back.

More discussion is required to ensure a relevant document is achieved which should probably include a weighting to any task based on location and the importance as set by stakeholders (residents) and needs to take into account conditions laid down in the planning agreement for Fernwood. The different areas of Fernwood (public spaces, car parks, maisonettes and apartments) need to be regarded separately and not treated as one space. The document could also include actions to take if targets aren't met.

Fanfare Distribution: Another couple of people have retired from delivering but JH & SH were sure that the areas could be covered by other volunteers.

5. TREASURER'S REPORT

FRA Account: Please see attached report showing an overall Balance £876.92 plus £26.83 cash in hand. The balance is made up of the following:

FRA: - Balance £524.05 + £26.83 petty cash. No activity this month.

Conservation Group: - Balance £352.87.

Payments outstanding for Wild Flower Seed (£70.15) and the hire of a rotavator leave approximately £110 for further expenditure.

Neighbourhood Watch: - Balance £0 - The £1,000 receipt is still awaited.

FRA DWH Project Development Fund: Please see attached report with balance £3,947.80.

Suggestions for future projects within Fernwood to be discussed at a future meeting.

ACTION

ST - upload to website

ST - add to agenda

JH - chase invoices

ST - add to agenda

6. CONSERVATION GROUP UPDATE

JH advised that the wild flower patch would be rotavated within the next few days ready for the scattering of the seeds.

JH showed a mock up of the area with 12 fruit trees planted in a circle. They have obtained a quote for the trees of £162 from Frosts Plant Centre but as the remaining conservation group funds would not cover costs, have asked for permission to overspend.

The overspend was denied and it was suggested that:

- the group first check the planning agreement document to ensure there was not a covenant restricting the planting of trees in the meadow area
- that funding and long term maintenance of the trees is considered and documented
- FRA would need to write officially to BDWH for agreement

7. REPORT FROM THE PARISH COUNCIL (FPC)

The North Build application by Barratt Homes will not go before the NSDC planning committee until the next financial year commencing April 2016.

The mention in the Newark Advertiser of creating a 'Lorry Park' within the Fernwood Business Park area will be protested against if the idea ever goes to planning.

NHS has sold the hydro-pool area to a private builder who has requested planning for 2 houses. Fernwood PC have rejected the plans on the grounds of reduction of light to existing properties.

A couple of long standing active residents of Fernwood have recently passed away and JW is intending to represent Fernwood at their funerals.

8. UPDATE FROM FERNWOOD MAINTENANCE STRATEGY GROUP (FMSG)

Craig Bromley has replied in writing to most of the outstanding questions on the Q&A list. It appears that FP are trying to be more helpful. His answers now require scrutiny and discussion within the group.

Chris Penn has written to say that Barratt David Wilson Homes have now decided that they do not feel able to transfer the open spaces at this time as they still have ongoing responsibilities to hand over to the management company and that they still wish to play an integral part in Fernwood. However, he did not mention if the Bat House or the odd parcel of land previously sold to Peverel would be part of any future handover.

The Barrister's note has been received but is a long document that requires further discussion with the group. The Barrister has identified areas where FP are in breach of the Freehold contracts.

9. FORMAL COMPLAINT TO NEWARK & SHERWOOD DISTRICT COUNCIL (N&SDC)

Following the research completed, the FMSG felt that a formal letter of complaint should be made to NSDC because it is believed that the Fernwood planning agreement has not been followed. This has resulted in an unfair scheme of maintenance for the public open spaces with added consequences. FMSG suggested that the complaint be issued by FRA through the NSDC complaints procedures with copies to Robert Jenrick MP, County Cllr Sue Saddington and District Cllr Ivor Walker.

Unanimous agreement by FRA committee for this complaint letter to be sent. (see attached)

10. FIRST PORT (FP) FORTHCOMING PRESENTATION

A presentation is being held by FP on 21st January 2016 at Fernwood school.

JH felt that after listening to the angry residents at September FRA public meeting and outside at the November FP meeting which unfortunately they cancelled at the 11th hour, Fernwood would not get the best results from continued hostilities especially as FP are willing to try and work with the residents.

The committee discussed the situation at length but as this is not a FRA managed meeting it was felt that it is FP's role to manage the residents. If FP can answer questions, then the residents would be satisfied but it is the continued lack of adequate response over years that has caused the unrest, plus the unjust additional charging regime concerning Freehold houses.

We have no way of knowing what FP will tell the residents. However, if residents are angered by an issue which is out of the control of FP, then a FRA committee member should step in and ask the residents if they would like the relevant representative to be invited as speaker at a FRA public meeting.

DH to action

11. BARRATT DAVID WILSON HOMES (BDWH) and FERNWOOD

BDWH as developers, along with NSDC as planners are also responsible for the unrest amongst residents and it was agreed that FRA would invite a suitable representative from BDWH to discuss the freehold contracts if requested by the residents.

12. CORRESPONDENCE

None

13. DATES OF FUTURE MEETINGS 2015/16

2016 Committee meetings 7pm start:

2nd Feb, 5th Apr, 3rd May

2016 Public meetings 7.30pm start:

1st March, 7th June (AGM)

Agenda Suggestions:

CLOSE –The meeting closed at 9.30pm.

ST amend the FRA
website

FERNWOOD RESIDENTS ASSOCIATION (FRA)

1ST APRIL 2015 TO

5th Jan 2016

TREASURERS REPORT

Opening Bank Balance			1361.12
Receipts	No activity		
Payments	cheque no		
06/10/15 Bird Hide construction	100097		356.2
06/10/15 Bareflame website rental	100098		72
27/10/15 Bird hide signs	100099		56
Net Receipts/Payments			484.2
Closing Balance			876.92
Cash in Hand			26.83
Income due not received		neighbourhood watch	1000
Payments due not paid	Wild flower seed		70.15

Signed



Date.....

5th Jan 2016

Jeff Hobson
(Treasurer)

FERNWOOD RESIDENTS ASSOCIATION (FRA)
DWH Project Development Fund
TREASURERS REPORT

1ST APRIL 2015 TO

5th Jan2016

Opening Bank Balance		4469.8
Receipts	No activity	
Payments		
17/11/15	Mothers and Toddlers group	522
Net Receipts/Payments		522
Closing Balance		3947.8
Income due not received		nil
Payments due not paid		nil

Signed
Date.....


5t Jan 2016

Jeff Hobson
(Treasurer)



Fernwood Residents Association

5 Rubys Avenue, Fernwood, Newark, Nottingham. NG24 3RS.

Email: heaths.david@gmail.com

6 January 2016

FORMAL COMPLAINT TO NEWARK AND SHERWOOD DISTRICT COUNCIL

Dear Mr Muter,

This complaint is on behalf of Fernwood Residents Association regarding the maintenance of the open spaces within the Village of Fernwood. In that:

1 The Council failed to apply the conditions of the Full Planning Permission in the Application Number 00/5006/FUL especially with regard to:

Condition 02 "No development shall commence within any of the phases agreed above until the following details have been submitted to and approved in writing to the Local Planning Authority **for the entirety of each approved phase.** (v)The provision of open space in accordance with Policy R4 of the Newark and Sherwood Local Plan and **proposals for its future management and maintenance"**

2 The Council failed to apply the conditions in the agreement dated 3rd February 1999 between Newark and Sherwood District Council; The Secretary of State for Health and Nottinghamshire County Council as related to the maintenance of the open spaces within the Village of Fernwood with regard to:

Section 3.2 Existing Parkland - No later than the first submission of approval of reserved matters pursuant to the Permission there shall be submitted to the Council for approval a scheme for the management and maintenance for a period of 18 months of the area or areas - - -

3.3 **Until such time** as the existing Parkland is owned or managed and maintained at the public expense by a local authority or by another public body approved by the Council, the Owner will manage and maintain it in accordance with the approved scheme or such other scheme as may be approved by the Council on the submission of the Owner from time to time.

Following a Freedom of Information request to Newark and Sherwood District Council, the Council was unable to provide a copy of any such request by David Wilson / Barratt Homes or any approval by Newark and Sherwood District Council of a maintenance scheme for the Village of Fernwood.

Following written representations to the legal representative of David Wilson / Barratt Homes, Barratt Homes were also unable to provide copies of any maintenance scheme that had been submitted to the Council for approval or the approval by Newark and Sherwood District Council of such a maintenance scheme.

This failure by the Council has resulted in a scheme being adopted by Barratt homes that:

A) Has treated freehold owners within the Village of Fernwood like a long leaseholders rather than freeholders of their properties;

B) Resulted in a completely unregulated and unrestrained maintenance scheme to which Villagers have no input that places direct costs to the majority of Villagers.

C) Introduced a scheme for permission to make any minor alteration to Freehold Properties. A scheme that also makes charges that vary at the whim of the agent appointed by Barratt Homes.

D) Allowed a scheme to be introduced whereby almost 20% of the residents do not contribute towards the cost of the maintenance of the Village which then results in the remainder of Villagers being required make an increased contribution to compensate.

E) Has resulted in a maintenance company being placed on the Land Registry against the freehold properties of the majority of property owners in the Village.

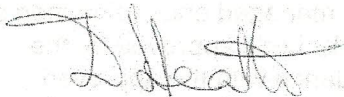
F) Enabled Barratt Homes to sell areas designated on the approved plans as open space(s) to another company.

G) Enabled Barratt Homes to put a 999 year lease into place with the same company that has been engaged to maintain the open spaces within the Village without the knowledge of purchasers.

We respectfully request that the Council considers this matter within the confines of its formal complaints procedure and responds to the Association within the approved time period.

Please respond by email to: heaths.david@gmail.com

Yours sincerely,



David Heath
On behalf of Fernwood Residents Association

The Chief Executive
Newark and Sherwood District Council
Kelham Hall
Kelham
Nottinghamshire
NG23 5QX